

STATE OF NORTH DAKOTA.

JOURNAL OF THE HOUSE

OF THE

SECOND

LEGISLATIVE ASSEMBLY

BEGUN AND HELD

AT THE CAPITOL AT BISMARCK,

JANUARY 6, 1891, TO MARCH 6, 1891.

BISMARCK, N. D.:
TRIBUNE, STATE PRINTERS AND BINDERS.
1891.

MEMBERS AND OFFICERS

OF THE

House of Representatives of North Dakota

FOR THE
SECOND LEGISLATIVE ASSEMBLY, 1891.

MEMBERS.

District.	NAME.	Where Born.	Nationality.	Occupation.	Came to State.	Age.
25	Allen, Wm. B., <i>r</i>	New York,	American,	Lawyer,	1882	30
18	Axvig, Ole T., <i>d</i>	Norway,	Norwegian,	Farmer,	1879	38
5	*Beardsley, George G., <i>r</i> ..	Ohio,	American,	Farmer,	1872	47
2	*Bjornson, Arni, <i>f. d</i>	Iceland,	Icelander,	Accountant,	1878	32
21	*Brooke, James V., <i>d</i>	Virginia,	American,	Lawyer,	1882	37
7	Brown, Wm. Henry, <i>r</i>	Massachusetts,	American,	Hardware,	1877	58
19	*Burke, John, <i>d</i>	Iowa,	American,	Lawyer,	1887	31
5	Burton, C. A., <i>r</i>	Ohio,	American,	Farmer,	1881	37
15	Christianson, C. J., <i>r</i>	Minnesota,	American,	Farmer,	1881	32
6	Colosky, Joseph, <i>r</i>	Canada,	German,	Farmer,	1872	45
12	Cope, J. W., <i>d</i>	Pennsylvania,	American,	Farmer,	1886	42
7	*Cunningham, D. C., <i>d</i>	Scotland,	Scotch,	Farmer,	1880	40
4	Daily, Edward E., <i>d</i>	Illinois,	American,	Real estate,	1878	34
4	*Daniel, Wm. H., <i>d</i>	Tennessee,	American,	General merchandise,	1882	26
28	Davis, John A., <i>r</i>	Pennsylvania,	American,	Stock rais'g & farm'g	1882	44
18	*Dennett, Fred., <i>r</i>	South America,	English,	Journalist,	1887	27
3	Douglas, James A., <i>d</i>	Ireland,	Scotch,	Farming & Merc'ntil.	1864	43
4	Ebbinghausen, Chas., <i>d</i>	Germany,	German,	Farmer,	1882	44
20	Erickson, Chas. A., <i>r</i>	Norway,	Norwegian,	Farmer,	1886	34
31	*Farrar, Jefferson A., <i>d</i>	Pennsylvania,	American,	Farmer,	1882	31
26	Fay, Geo. H., <i>r</i>	N. Hampshire,	American,	Law & Farming,	1886	48
26	Fiske, Chas., <i>r</i>	Indiana,	American,	Farmer,	1886	36
3	Foss, Andrew N., <i>r</i>	Norway,	Norwegian,	Farmer,	1881	29
11	Gill, James C., <i>r</i>	Illinois,	American,	Farmer,	1882	47
2	Graber, Jacob, <i>r</i>	Switzerland,	German,	Farmer,	1881	41
1	Haight, S. L., <i>r</i>	Ontario, Can.,	Canadian,	Farmer,	1881	41
22	Hall, Ralph, <i>r</i>	Michigan,	American,	Farm & Stock,	1882	38
8	Hanson, Andrew, <i>r</i>	Norway,	Norwegian,	Farm & Stock,	1871	38
1	Horgan, Patrick, <i>d</i>	Ontario, Can.,	Canadian,	Farmer,	1888	36
20	*Havrevold, L. P., <i>r</i>	Norway,	Norwegian,	Farmer,	1882	38
14	Hill, Louis C., <i>r</i>	Wisconsin,	American,	Minister,	1882	37
13	Hodgson, John E., <i>f. a</i>	Ontario, Can.,	Canadian,	Farmer,	1886	32
10	*Holte, E. H., <i>r</i>	Norway,	Norwegian,	Farmer,	1878	30
30	Holritz, Fred., <i>r</i>	Norway,	Norwegian,	General merchandise,	1888	42
23	Kearney, E. T., <i>d</i>	New York,	American,	Farmer,	1879	65
17	*Lamb, James P., <i>r</i>	Michigan,	American,	Merchant & Farmer,	1882	32
12	Larson, Peter, S., <i>d</i>	Norway,	Norwegian,	Farmer,	1879	35
9	*Loomis, Almon L., <i>r</i>	Ohio,	American,	Livery,	1879	36
24	Loring, Geo. K., <i>r</i>	Massachusetts,	American,	Farmer,	1882	56
23	Lutz, George, <i>d</i>	Germany,	German,	Lumber,	1882	38
16	McCulloch, Wm. T., <i>r</i>	Ontario, Can.,	Canadian,	Farmer,	1880	48
30	McKendry, Wm., <i>r</i>	Scotland,	Scotch,	Mechanic,	1882	36
21	Noltimer, Henry A., <i>r</i>	Missouri,	American,	Farmer,	1882	37

MEMBERS—Continued.

District.	NAME.	Where Born.	Nationality.	Occupation.	Came to State.	Age.
14	Oliver, Harry S., <i>r</i>	New York,	American,	Farmer,	1880	35
9	Osgood, George E., <i>r</i>	N.Hampshire,	American,	Farmer,	1878	44
13	Peabody, Kemper, <i>f, a</i>	Wisconsin,	American,	Farmer,	1882	29
10	Peterson, Henry M., <i>r</i>	Iowa,	American,	Farmer,	1879	33
25	Richie, John S., <i>r</i>	Pennsylvania,	American,	Farmer,	1882	50
29	Satterlund, John, <i>r</i>	Sweden,	Swede,	Milling,	1878	39
16	†Skinner, Wm. J., <i>r</i>	Vermont,	American,	Farmer,	1882	65
11	*Smith, Geo. N., <i>r</i>	New York,	American,	Farmer,	1879	41
8	Strom, Herbjorn H., <i>r</i>	Norway,	Norwegian,	Farmer,	1878	44
8	Thompson, Louis, <i>r</i>	Norway,	Norwegian,	Farmer,	1878	53
12	Triplett, Martin N., <i>d</i>	Virginia,	American,	Doctor,	1883	36
10	Tufts, D. C., <i>r</i>	Maine,	American,	Farmer,	1877	49
8	Wallen, Ole S., <i>r</i>	Norway,	Norwegian,	Farmer,	1879	41
22	Walton, Luther L., <i>r</i>	Michigan,	American,	Farmer,	1882	46
27	Ward, Wm. Oscar, <i>r</i>	Pennsylvania,	American,	Stock Raising,	1872	51
11	Watson, J. Moody, <i>r</i>	Pennsylvania,	American,	Farmer,	1880	40
15	*White, Frank M., <i>r</i>	Illinois,	American,	Farmer,	1882	34
6	Williams, M. F., <i>d</i>	Iowa,	American,	Farm Machinery,	1882	34
27	Yegen, John, <i>i</i>	Switzerland,	Swiss,	Merchant,	1873	46

* Single.
† Widower.
r Republican.
d Democrat.
f a Farmers' Alliance.
i Independent.

OFFICERS.

Speaker—W. B. ALLEN, Ludden, Dickey County.

Chief Clerk—JOHN G. HAMILTON, Grand Forks, Grand Forks County.

Assistant Clerk—E. H. SANFORD, Jamestown, Stutsman County.

Bill Clerk—H. E. LAVAYEA, Grand Forks, Grand Forks County.

Sergeant-at-Arms—GUNDER OLSEN, Walsh County.

Enrolling and Engrossing Clerk—W. A. KELLEY, Traill County.

Doorkeeper—THOMAS MORGAN, Grand Forks County.

Messenger—E. R. KENNEDY, Dickey County.

Stenographer—MISS ADDIE KNAPP, Grand Forks County.

Chaplain—REV. GEO. S. KLINE, Burleigh County.

Postmaster—ARNE GOLDBERG.

Journal of the House.

SECOND SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 6, 1890.

At the hour of 12 o'clock meridian on Tuesday, the 6th day of January, A. D. 1891, being the day and hour designated by law for the convening of the Legislative Assembly of the State of North Dakota, the members-elect of the House of Representatives of the Second Session of the Legislative Assembly of the State of North Dakota assembled in the Capitol at Bismarck and were called to order by J. G. Hamilton, Chief Clerk of the First Session of the Legislative Assembly of the State of North Dakota.

The Session was opened with prayer by the Rev. Mr. Kline, of Bismarck.

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

From the—

First District—Patrick Horgan and S. L. Haight of Pembina.

Second District—Arni Bjornson and Jacob Graber of Pembina.

Third District—A. N. Foss and James Douglas of Walsh.

Fourth District—Charles Ebbighausen, E. E. Daily and W. H. Daniels of Walsh.

Fifth District—C. A. Burton and G. G. Beardsley of Grand Forks.

Sixth District—M. F. Williams and Joseph C. Colosky of Grand Forks.

Seventh District—W. H. Brown and D. C. Cunningham of Grand Forks.

Eighth District—O. S. Wallen, Lewis Thompson, H. H. Strom and A. Hanson of Traill.

Ninth District—A. L. Loomis and George Osgood of Cass.

Tenth District—E. H. Holte, D. C. Tufts and H. M. Peterson of Cass.

Eleventh District—G. N. Smith, J. C. Gill and J. Moody Watson of Cass.

Twelfth District—Peter S. Larson, J. W. Cope and M. N. Triplett of Richland.

Thirteenth District—John E. Hodgson and K. Peabody of Sargent.

Fourteenth District—Harry Oliver and L. C. Hill of Ransom.

Fifteenth District—C. J. Christianson and Frank White of Barnes.

Sixteenth District—W. J. Skinner of Steele and W. W. McCulloch of Griggs.

Seventeenth District—J. P. Lamb of Nelson.

Eighteenth District—Fred Dennett and O. Axvig of Cavalier.

Nineteenth District—John Burke of Rolette.

Twentieth District—L. P. Havrevold of Benson, and Chas. A. Erickson of Pierce.

Twenty-first District—J. V. Brooke and H. A. Noltimier of Ramsey.

Twenty-second District—L. Walton and Ralph Hall of Wells.

Twenty-third District—George Lutz and E. T. Kearney of Stutsman.

Twenty-fourth District—Geo. K. Loring of La Moure.

Twenty-fifth District—W. B. Allen and John Richie of Dickey.

Twenty-sixth District—Charles Fiske of Kidder and G. H. Fay of McIntosh.

Twenty-seventh District—Wm. Oscar Ward and John Yegen of Burleigh.

Twenty-eighth District—John A. Davis of McHenry.

Twenty-ninth District—John Satterlund of McLean.

Thirtieth District—Fred Holritz and Wm. McKendry of Morton.

Thirty-first District—J. A. Farrah of Stark.

The oath of office administered by Hon. J. M. Bartholomew, Associate Justice of the Supreme Court of the State of North Dakota, was then taken and subscribed by the members-elect, Mr. Richie of Dickey county taking the oath by affirmation.

Mr. Foss moved

That the organization of the House be now proceeded with, Which motion prevailed.

Mr. Oliver nominated Hon. W. B. Allen, of Dickey, for Speaker.

Mr. Strom, on behalf of Traill county, seconded the nomination of Mr. Allen.

Mr. Brooke nominated Hon. Geo. Lutz, of Stutsman.

The roll being called, there were 60 votes cast, of which Mr. Allen received 42, and Mr. Lutz 15.

Those voting for Mr. Allen were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton and Ward.

Those voting for Mr. Lutz were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbighausen, Farrah, Horgan, Hall, Kearney, Larson, Triplett, Williams and Yegen.

Absent and not voting:

Messrs. Allen, Daily, Davis and Lamb.

Mr. Allen having received a majority of all the votes of the members-elect, was declared duly elected Speaker of the House.

Messrs. Lutz and Oliver and Gill were appointed to escort the Speaker to the chair.

The oath of office as Speaker was administered by the Hon. Judge J. M. Bartholomew, of the Supreme Court of the State of North Dakota.

The House proceeded to complete its organization, and nominations for Chief Clerk being declared in order,

Mr. Brown nominated J. G. Hamilton of Grand Forks for Chief Clerk.

Mr. Gill moved that the election of Mr. Hamilton be made by acclamation,

Which motion prevailed.

The Speaker announced that a ballot would be necessary for all elective positions.

The roll being called for the election of a Chief Clerk, there were 59 votes cast, of which number J. G. Hamilton received 59.

Those who voted for Mr. Hamilton were:

Messrs. Axvig, Allen, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Cope, Christianson, Douglas, Daniels, Dennett, Ebbinghauser, Erickson, Foss, Fiske, Fay, Farrah, Graber, Gill, Horgan, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Hall, Holritz, Kearney, Loomis, Larson, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen.

Absent and not voting:

Messrs. Daily, Davis and Lamb.

Mr. Hamilton, having received a majority vote of all the members-elect, was declared duly elected Chief Clerk, and the oath of office as Chief Clerk was administered by Hon. J. M. Bartholomew, Judge of the Supreme Court of the State of North Dakota.

Mr. Gill nominated E. H. Sanford of Stutsman for Assistant Clerk.

The roll being called, there were 58 votes cast, of which number Mr. Sanford received 58.

Those who voted for Mr. Sanford were:

Messrs. Axvig, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Christianson, Douglas, Daniels, Dennett, Ebbighausen, Erickson, Foss, Fiske, Fay, Farrah, Graber, Gill, Horgan, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Hall, Holritz, Kearney, Loomis, Larson, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Absent and not voting:

Messrs. Cope, Daily, Davis and Lamb.

Mr. Sanford having received a majority vote of all the members-elect, was declared duly elected Assistant Clerk.

Mr. Strom nominated W. A. Kelley of Trail for Chief Enrolling and Engrossing Clerk.

The roll being called there were 59 votes cast, of which number Mr. Kelley received 59.

Those who voted for Mr. Kelley were:

Messrs. Axvig, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Christianson, Douglas, Daniels, Dennett, Davis, Ebbighausen, Erickson, Foss, Fiske, Fay, Farrah, Graber, Gill, Horgan, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Hall, Holritz, Kearney, Loomis, Larson, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Absent and not voting:

Messrs. Cope, Daily and Lamb.

Mr. Kelley having received a majority vote of all the members-elect was declared duly elected Enrolling and Engrossing Clerk.

Mr. Burton nominated H. E. Lavayea of Grand Forks for Bill Clerk.

Mr. Ebbighausen nominated Henry Johnson of Walsh.

The roll being called, there were 59 votes cast, of which Mr. Lavayea received 43, and Mr. Johnson 16.

Those who voted for Mr. Lavayea were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Mr. Johnson were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbighausen, Farrah, Horgan, Hall, Kearney, Larson, Lutz, Triplett, Williams.

Absent and not voting:

Messrs. Daily, Lamb and Peabody.

Mr. Lavayea having receiving a majority vote of all the members-elect was declared duly elected Bill Clerk.

Mr. Foss nominated Gunder Olson of Walsh for Sergeant-at-Arms.

The roll being called there were 58 votes cast. of which Mr. Olson received 58.

Those who voted for Mr. Olson were:

Messrs. Axvig, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Christianson, Douglas, Daniels, Dennett, Davis, Erickson, Foss, Fiske, Fay, Farrah, Graber, Gill, Horgan, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Hall, Holritz, Kearney, Loomis, Larson, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Absent and not voting:

Messrs. Cope, Daily, Ebbighausen and Lamb.

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

Mr. Hill nominated Thomas Morgan of Ransom for Doorkeeper.

Mr. Williams nominated Joseph Monrean of Grand Forks.

The roll being called there were 60 votes cast, of which Mr. Morgan received 44 and Mr. Monrean 16.

Those who voted for Mr. Morgan were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Ritchie, Strom, Smith, Skinner, Satterlund, Thompon, Tufts, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Mr. Monrean were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbighausen, Farrah, Horgan, Hall, Kearney, Larson, Lutz, Triplett, Williams.

Messrs. Daily and Lamb absent and not voting.

Mr. Morgan having received a majority vote of all the members-elect was declared duly elected Doorkeeper.

Mr. Richie nominated E. R. Kennedy of Dickey for Messenger.

Mr. Triplett nominated A. K. Tweto of Richland.

The roll being called, there were 60 votes cast, of which number Mr. Kennedy received 45 and Mr. Tweto 15.

Those who voted for Mr. Kennedy were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Lamb, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen and Mr. Speaker.

Those who voted for Mr. Tweto were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz and Triplett.

Messrs. Daily and Williams being absent and not voting.

Mr. Kennedy having received a majority vote of all the members-elect cast, was declared duly elected Messenger.

Mr. Havrevold nominated Arne Golburg of Benson for Postmaster.

Mr. Cope nominated J. P. Brummund of Richland.

The roll being called, there were 59 votes cast, of which number Mr. Golberg received 44 and Mr. Brummund 15.

Those who voted for Mr. Golberg were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Lamb, Loring, McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Mr. Brummund were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Daniels, Ebbighausen, Farrah, Horgan, Hall, Kearney, Larson, Lutz, McCulloch, Triplett, Williams.

Absent and not voting:

Messrs. Douglas, Daily and Peabody.

Mr. Golberg having received a majority vote of all the members-elect cast was declared duly elected Postmaster.

Mr. Oliver moved

That the election of Watchman and Janitor be deferred until to-morrow afternoon.

Which motion prevailed.

Mr. Gill nominated Miss Addie Knapp of Grand Forks for Stenographer.

The roll being called, there were 60 votes cast, of which number Miss Knapp received 60.

Those who voted for Miss Knapp were:

Messrs. Axvig, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Cope, Christianson, Douglas, Daniels, Dennett, Davis, Ebbinhausen, Erickson, Foss, Fiske, Fay, Farrah, Grabber, Gill, Horgan, Haight, Hanson, Holte, Hill, Havrevold, Hall, Holritz, Kearney, Loomis, Larson, Lamb, Lutz, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Messrs. Daily and Hodgson absent and not voting:

Miss Knapp having received a majority vote of all the members elect, was declared duly elected Stenographer.

Mr. McCulloch nominated W. H. Bratton of Burleigh for Clerk of the Judiciary Committee.

Mr. Lutz nominated M. Barrett of Stutsman.

The roll being called, there were 60 votes cast, of which Mr. Bratton received 44 and Mr. Barrett 16.

Those voting for Mr. Bratton were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Grabber, Gill, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Holritz, Loomis, Lan.b, Loring, McCulloch, McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen. Mr. Speaker.

Those who voted for Mr. Barrett were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbinhausen, Farrah, Horgan, Hall, Kearney, Larson, Lutz, Triplett, Williams.

Messrs. Daily and Peabody absent and not voting:

Mr. Bratton having received a majority vote of all the members elect, was declared duly elected clerk of the Judiciary Committee.

Mr. Hill nominated Rev. Geo. S. Kline of Burleigh for Chaplain.

Sixty votes were cast, of which Mr. Kline received sixty.

Those who voted for Mr. Kline were:

Messrs. Axvig, Bjornson, Burton, Beardsley, Brown, Burke, Brooke, Colosky, Cunningham, Cope, Christianson, Douglas, Daniels, Dennett, Davis, Ebbinhausen, Erickson, Foss, Fiske, Fay, Farrah, Graber, Gill, Horgan, Haight, Hanson, Holte, Hodgson, Hill, Havrevold, Hall, Holritz, Loomis, Larson, Lamb, Lutz, Loring, McCullough, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Triplett, Williams, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Messrs. Daily and Kearney being absent and not voting.

Mr. Kline having received a majority vote of all the members-elect cast was declared duly elected Chaplain.

Mr. McKendry nominated W. H. Conroy of Morton for Page.

Mr. Oliver nominated Gilbert Haggart of Cass.

Mr. Thompson nominated John Peterson of Burleigh.

Mr. Kearney nominated F. J. Conway of Burleigh.

Mr. Gill nominated Joel Bates of Burleigh.

Mr. Kearney nominated George Dolan of Burleigh.

Mr. Oliver moved

That Gilbert Haggart of Cass, John Peterson of Burleigh, Joel Bates of Burleigh and W. H. Conroy of Morton be elected Pages by acclamation,

Which motion was withdrawn.

Mr. McKendry nominated W. H. Conroy of Morton for Page.

Mr. Brooke nominated F. J. Conway of Burleigh.

The roll being called, there were 58 votes cast, of which number Mr. Conroy received 36, and Mr. Conway 22.

Those who voted for Master Conroy were:

Messrs. Bjornson, Burton, Beardsley, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Gill, Haight, Hanson, Holte, Hill, Havrevold, Kolritz, Loomis, Lamb, Loring, McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom, Smith, Skinner, Satterlund, Thomson, Tufts, Wallen, Watson, White, Walton, Ward, Mr. Speaker.

Those who voted for Master Conway were:

Messrs. Axvig, Brown, Burke, Brooke, Colosky, Cunningham, Cope, Douglas, Daniels, Ebbinhausen, Graber, Horgan, Hodgson, Kearney, Larson, Lutz, McCulloch, Peabody, Triplett, Williams, Yegen.

Messrs. Daily and Farrah being absent and not voting.

W. H. Conroy having received a majority vote of all the members-elect was declared duly elected Page.

Mr. Williams nominated F. J. Conway of Burleigh for Page.

Mr. Oliver nominated Gilbert Haggart of Cass.

The roll being called, there were 60 votes cast, of which Master Haggart received 41, and Mr. Conway 19.

Those who voted for Master Haggart were:

Messrs. Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Hanson, Holte, Hill, Havrevold, Holritz, Loomis, Loring, McKendry, Noltimier, Osgood, Oliver, Peterson, Peabody, Ritchie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Master Conway were:

Messrs. Axvig, Bjornson, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbinhausen, Horgan, Hodgson, Hall, Kearney, Larson, Lamb, Lutz, McCulloch, Triplett, Williams.

Messrs. Daily and Farrah being absent and not voting.

Gilbert Haggart having received a majority of all the votes cast was declared duly elected Page.

Mr. Gill nominated Joel Bates of Burleigh for Page.

Mr. Burke nominated F. J. Conway of Burleigh.

The roll being called there were 60 votes cast, of which Master Bates received 41 and Master Conway 19.

Those who voted for Master Bates were:

Messrs. Bjornson, Burton, Beardsley, Brown, Colosky, Christianson, Dennett, Davis, Erickson, Foss, Fiske, Fay, Gill, Haight, Hanson, Holte, Hill, Havrevold, Holritz, Loomis, Loring, McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom, Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson, White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Master Conway were:

Messrs. Axvig, Burke, Brooke, Cunningham, Cope, Douglas, Daniels, Ebbighausen, Graber, Horgan, Hodgson, Kearney, Larson, Lamb, Lutz, McCulloch, Peabody, Triplett, Williams.

Absent and not voting:

Messrs. Daily, Farrah and Hall.

Joel Bates having received a majority of all the votes cast was declared duly elected Page.

Mr. Thompson nominated John Peterson of Burleigh for Page.

Mr. Kearney nominated F. J. Conway of Burleigh.

The roll being called there were 60 votes cast, of which Master Peterson received 41 and Master Conway 19.

Those who voted for Master Peterson were:

Messrs. Burton, Beardsley, Brown, Colosky, Christianson, Den-
net, Davis, Erickson, Foss, Fiske, Fay, Graber, Gill, Haight, Han-
son, Holte, Hill, Havrevold, Holritz, Loomis, Loring, McCulloch,
McKendry, Noltimier, Osgood, Oliver, Peterson, Richie, Strom,
Smith, Skinner, Satterlund, Thompson, Tufts, Wallen, Watson,
White, Walton, Ward, Yegen, Mr. Speaker.

Those who voted for Master Conway were:

Messrs. Axvig, Bjornson, Burke, Brooke, Cunningham, Cope,
Douglas, Daniels, Ebbighausen, Horgan, Hodgson, Hall, Kear-
ney, Larson, Lamb, Lutz, Peabody, Triplett, Williams.

Messrs. Daily and Farrah being absent and not voting:

John Peterson having received a majority of all the votes cast
was declared duly elected Page.

The oath of office was then administered to the foregoing officers
and employes by Hon. J. M. Bartholomew, Associate Justice of the
Supreme Court of the State of North Dakota.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 6, 1891. }

Mr. SPEAKER:

I have the honor to inform you that the Senate for the Second
Session of the Legislative Assembly of the State of North Da-
kota has been organized with the following officers, and is now
ready for the transaction of business:

President pro tem.—N. B. Pinkham.

Secretary—C. C. Bowsfield.

Assistant Secretary—Fred Falley.

Engrossing and Enrolling Clerk—L. D. McGahan.

Assistant Engrossing and Enrolling Clerk—T. E. Warner.

Bill Clerk—W. D. McClintock.

Stenographer—R. M. Tuttle.

Sergeant-at-Arms—Arne P. Haugan.

Doorkeeper—J. W. Scott.

Messenger—Lyman Brandt.

Postmaster—J. D. Smith.

Chaplain—Rev. S. E. Ryan.

Janitor—John Little.

Watchman—E. Bache.

Clerk of Judiciary Committee—D. S. Dodds.

Journal Clerk—Miss A. Nelson.

C. C. BOWSFIELD,
Secretary.

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

Resolved, That the number of pages for this House be increased to five.

Which motion prevailed, and
The resolution was adopted.

Mr. Loomis moved

That F. J. Conway be elected a Page by acclamation,
Which motion prevailed.

Mr. Foss moved

That the rules of the preceding House be the rules of this House until otherwise ordered,
Which motion prevailed.

Mr. Gill moved

That a committee of three be appointed to wait upon the Governor and inform him that the House has been organized, and is now ready to receive any communication he may have to offer,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Gill, Fay and Dennett.

Mr. Lutz moved

That the House take an informal recess for ten minutes,
Which motion prevailed, and
The House took an informal recess.

House re-convened.

Mr. Gill, of the committee appointed to wait upon the Governor, reported that the Governor would meet the Legislative Assembly in joint session Wednesday afternoon at 3 o'clock.

Mr. Oliver moved

That the chair appoint a committee of three to devise a method for drawing seats,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Oliver, Lutz, and Strom.

Mr. Strom moved

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

J. G. HAMILTON,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 7, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

Mr. Oliver moved

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

The oath of office was administered to Mr Daily, member-elect, by Speaker Allen.

Mr. Oliver moved

That the House proceed to elect a Janitor and Watchman,
Which motion prevailed, and
The House proceeded to the election of a Watchman.

Mr. Satterlund nominated A. B. Rohrer for Watchman.

Mr. Holritz nominated Christ Nordstrom,
Which nomination was withdrawn.

Mr. Oliver moved

That Mr. Rohrer be elected Watchman by acclamation,
Which motion prevailed, and

Mr. Rohrer was declared duly elected Watchman.

Mr. Gill moved

That the Speaker appoint a committee of three to notify the Senate that the House is ready to receive them in Joint Session,
Which motion prevailed, and

The Speaker appointed as such committee Messrs. Gill, Tufts and Foss.

The House took an informal recess for ten minutes and the Special Committee to wait upon the Senate reported that they had performed that duty, and that the Senate and officers thereof were prepared to sit in Joint Session.

The Sergeant-at-Arms announced the members of the Senate and officers thereof in waiting.

JOINT SESSION.

The Joint Session of the two houses was called to order by the Speaker of the House, who introduced the Lieutenant Governor, the President of the Senate.

The roll of the members of the House and Senate was then called,

All the members being present.

Mr. Gill moved that the President appoint a committee of three to inform the Governor that the two houses are in joint session and ready to receive his message.

Mr. Oliver moved

To amend the motion to read, "a joint committee of six, three from the House and three from the Senate,"

Which amendment was accepted, and

The original motion as amended prevailed, and

Mr. President appointed as such committee Messrs. Gill, Lutz and Brown of the House, and Messrs. McCormack of Grand Forks, Haggart and Almen of the Senate.

The joint committee to wait upon Governors Miller and Burke, and the State officers, returned escorting the Governor and State officials.

The president introduced the Hon. John Miller, the retiring Governor, who delivered the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

I have the honor, as retiring Executive, to herewith submit my message on the condition of State affairs.

I aim therein to confine myself to a concise account of my stewardship, making such suggestions as are unavoidably consequent upon a statement of past experience and present condition, leaving to my successor the duty of outlining the future state policy and making such recommendations as to him may seem wise.

STATE FINANCES.

In my first message to the Legislative Assembly, I devoted considerable space to a careful consideration and presentation of the financial condition of our new State. It was apparent from such presentation and from a close estimate of the probable expendi-

tures that great care would be required, both on the part of the Legislature in making appropriations and in the disbursements by the administrative branches of the State government in order that our credit and financial standing might not be seriously impaired by our inability to meet the current State expenses, and I deemed it my duty to earnestly urge upon the Legislature the importance of the strictest economy. It is therefore with considerable satisfaction that I refer you to the fiscal condition of the State as evidenced by the annual report of the State Treasurer.

The total receipts from November 4th, 1889, to the close of the fiscal year, October 31, 1890, as shown by his report, including the amount received from North Dakota's share of the cash on hand in the Territorial Treasury at the time of our admission into the Union, were \$609,511.83. The total disbursements during the same period were \$504,720.32, showing a balance on hand in the Treasury, October 31, 1890, of \$104,791.51. \$150,000 of 4½ per cent. revenue bonds were issued and sold under authority of Chapter 28, of Session Laws of 1890, and the proceeds of same are included in the above total receipts.

By an analysis of the report I find that the total current expenses of the State for the year ending October 31, 1890, were \$361,099.02, being about \$27,000 less than the estimate made by me in my message of a year ago, based on North Dakota's share of Territorial expenses.

Some of the more prominent items that show a much less cost than was estimated, are

Adjutant General's salary and expenses, \$185.54. Estimated cost, \$3,000.

Militia, \$2,250. Estimated cost, \$8,000.

Commissioner of Agriculture, \$3,594.98. Estimated cost, \$9,000.

Board of Agriculture, \$305.00. Estimated cost, \$6,000.

Veterinary Surgeon, salary and expenses, \$891.88. Estimated cost, \$4,000.

About \$12,000 was also saved to the State by the decision of the Attorney General holding that the per diem of the members of the Legislature ceased during their absence for the holidays.

There were some expenditures that were not included in said estimate, one considerable item being that of State printing and clerk hire.

By the terms of the Constitution, the aggregate State indebtedness is limited to \$200,000, exclusive of what may have been the debt of North Dakota at the time of the adoption of the Constitution. The issue of the above mentioned bonds leaves \$50,000, and in addition thereto the total amount of North Dakota's share of the outstanding current liabilities of the Territory to November 4, 1889, as the amount of the possible increase of the State debt before reaching the limit fixed by the Constitution. It would therefore seem, with the increasing assessed valuation, and the

larger levy allowed by the Constitution, that the limit of indebtedness may not necessarily be reached.

BONDED DEBT.

The bonded indebtedness, as shown by the report of the State Treasurer, is \$689,807.46, this being an increase of \$150,000 over the amount of bonded debt of the Territory assumed by the State at the date of admission. The issue of the \$150,000 of bonds was authorized by the last Legislature and they are known as Revenue bonds, issue dated April 25, 1890, due April 25, 1895, bearing $4\frac{1}{2}$ per cent. interest, and were issued to pay the current expenses of the State. They sold at a premium of \$17,425. In accordance with the suggestion made in my last message, the last Legislative Assembly authorized the State Treasurer to prepare for issue negotiable bonds of the State for such amounts as shall be necessary to refund all the outstanding bonds subject to the call of the State, such refunding bonds to run not longer than thirty years and to bear interest at a rate not to exceed 4 per cent. payable semi-annually. Under this authority a call was duly made for \$50,000 of 6 per cent. bonds, issued for the second Dakota penitentiary at Bismarck, and \$63,000 of 6 per cent. bonds issued for the erection of additional buildings for the North Dakota Hospital for the Insane, for the payment of which \$113,000 of thirty year, 4 per cent. bonds, dated May 25, 1890, were issued, and sold at a premium of \$10,555. Of the bonded indebtedness, \$118,600 bears interest at 6 per cent., \$83,507.46 at 5 per cent., \$332,000 at $4\frac{1}{2}$ per cent. and \$155,700 at 4 per cent.

A very assuring evidence of the excellent credit of the State and of the confidence of investors in our financial condition and resources is presented in the ability of the State to negotiate its securities on such favorable terms. The \$113,000 of 4 per cent. thirty year bonds sold at par and 9.34 per cent. premium, and the \$150,000 of $4\frac{1}{2}$ per cent. revenue bonds at par and 11.61 per cent. premium, thus virtually making the rate of interest paid by the State on these bonds a little less than $3\frac{1}{2}$ per cent., which indicates the high standing of the credit of our new State, being a rate that would be considered favorable by old and populous States.

SETTLEMENT WITH SOUTH DAKOTA.

The commission appointed on the part of North Dakota to act in conjunction with a similar commission from South Dakota, to effect final adjustment between the respective States, have made a final settlement and submitted their report to the Executives of the two States, who have approved the same. The joint commission fixes the indebtedness of South Dakota to North Dakota at \$64,141.46. \$46,500 of the above amount being the amount agreed upon by the Constitutional Convention as the sum due from the State of South Dakota to North Dakota prior to March

8, 1889, the balance \$17,641.46 being the amount agreed upon by the Joint Commission as due in settlement of all balances accruing subsequent to March 8, 1889, up to date of settlement. At the time of the division of the Territory of Dakota and the admission into the Union of North and South Dakota there was outstanding against the Territory of Dakota territorial warrants to the amount of \$150,000. The terms of Section 22 of the joint agreement of the Constitutional Convention provides that "the payment from South Dakota to North Dakota shall be made by South Dakota assuming North Dakota's share of current liabilities at the time of final adjustment to the extent of South Dakota's indebtedness, under the agreement, to North Dakota." The final agreement provides that by the payment of \$16,983.54 by North Dakota to the State of South Dakota, this being the difference between North Dakota's share of the territorial warrants with accrued interest to date of settlement, and the amount due from South Dakota, South Dakota shall assume the outstanding territorial warrants with interest, amounting to \$162,250.00.

ASSESSMENT AND TAXATION.

The assessed valuation of the State, as shown by the assessment roll of 1890, is \$88,203,044.00. The total assessed value of real property including structures and improvements thereon, \$65,181,177.00. The total assessed value of all personal property is \$23,021,857.00. There is an increase in the total assessed valuation of the State over the assessed valuation as shown by the assessment roll of 1889, of \$21,345,607.70. Of this increase \$13,571,914.35 is in the valuation of land, structures and improvements thereon, \$2,193,757.50 is in the valuation of town lots and the structures and improvements thereon, \$5,579,937.85 is in the valuation of personal property of all kinds. The increase in the assessed value of real property is largely occasioned by the increased acreage of land assessed, the assessment roll showing an increase of 2,468,837 acres in 1890 over 1889. This increase in the assessed acreage is due largely to the fact that all the surveyed lands of the Northern Pacific Railroad Company are included in the assessment for 1890. They have previously been exempt from taxation by the terms of the gross earnings law of 1889, allowing the railroad company to pay a percentage on their gross earnings in lieu of all other tax.

By the provision, however, of the State Constitution the payment of a percentum of gross earnings of railroad companies can only be accepted in lieu of taxes upon property exclusively used in and about the prosecution of the business of such companies as common carriers, and the lands were therefore assessed as was other property.

The increase in the assessed value of personal property is largely occasioned by the fact that the Northern Pacific Railroad company did not desire to avail itself of the gross earnings law of

1890, but preferred to pay under the provisions of chapter 135 of Session Laws of 1890, which provides that the State Board of Equalization, at their annual meeting in August in each year assess, at its actual value, the franchise, roadway, roadbed, rails and rolling stock of all railroads operated in this State. The Equalization Board assessed the value of the roadway, roadbed, rails and rolling stock of the branches of the Northern Pacific Railroad company at \$3,500 per mile, and of the main line at \$2,500 per mile, making the total aggregate of the assessed value of these items of the Northern Pacific Railroad company in the State \$2,612,600. The above assessed valuation of roadway, roadbed, etc., of the Northern Pacific Railroad was in the nature of a compromise, especially with regard to the agreed assessed value of the main line, the legal question being yet undetermined as to whether the charter of the Northern Pacific Railroad company exempts the right of way of the main line of said road since our admission as a State. It is the opinion of the Executive that immediate steps should be taken looking to the final legal determination by the courts of the question as to the right of the State to assess the right of way of the main line of the Northern Pacific Railroad, that the State may be in a position, if such property is taxable, to insist upon a fair valuation as a basis of taxation, and thus avoid the necessity of compromises in the future. All the other railroads of the State signify their willingness to pay their taxes under the gross earnings system.

By the provisions of section 48, chapter 132, Session Laws of 1890, it is made the duty of the Legislative Assembly to levy the State tax. This the last Legislative Assembly failed to do. It was therefore found that there was no provision, under the present law, for making the levy. The Equalization Board, provided for by the new revenue law, at their meeting held for the purpose of equalizing the assessment, in the absence of such provision, taking their authority from the old Territorial law, and acting in conformity with the opinion of the Attorney General, made a tax levy of four mills on the dollar of the assessed valuation of all taxable property in the State, as equalized, to defray the expenses of the State for the current year, and one-half mill to pay interest on the State debt.

Your attention is most respectfully called to the report of the Attorney General and Public Examiner, in which they point out some of the defects in the present revenue law, prominent among which are the provisions of Section 18 of Chapter 132, which provides that any person, company or corporation making up the amount of the personal property required to be listed for himself, company or corporation, shall be allowed to deduct from the gross amount thereof any indebtedness of himself, company or corporation, the same to be held or owned within the State.

NORTHERN PACIFIC DELINQUENCY.

By the provisions of what is known as the gross earnings law of 1889, the terms of which were accepted by the railroads of the State, there was due from said railroads, in lieu of all other taxes for the year 1889, a percentum of their gross earnings, one-half of which was payable February 15, 1890, and one-half August 1, 1890. The Northern Pacific Railroad Company failed to pay the same, urging, as ground for refusal, the pendency of certain suits instituted by the several counties involving the question of the taxation of their lands. The Attorney General ruled that payment of the tax could not be enforced, for the reason that the terms of the law of 1889, exempting their land from taxation, in lieu of the percentum upon the gross earnings, was in violation of the State constitution. The Northern Pacific Railroad Company have, therefore, paid no taxes of any kind on their property for 1889.

The percentum upon the gross earnings of 1889 of this company, as estimated by them, amounted to \$114,000. Of that amount, one-third would be retained by the State Treasurer, and the remainder would be apportioned to the counties through which the railroad runs.

Your attention is called to the report of the State Auditor, and the suggestions therein made, and especially to what is said about the large amount of delinquent taxes.

PUBLIC INSTITUTIONS.

In addition to the Penitentiary at Bismarck, the Hospital for the Insane at Jamestown and the University at Grand Forks, heretofore existing, the last Legislature provided for the establishment and operating of the following new institutions:

Academy of Science at.....	Wahpeton
Agricultural College and Experiment Station at.....	Fargo
Reform School at.....	Mandan
Deaf and Dumb School at.....	Devils Lake
Normal School at.....	Mayville
Normal School at.....	Valley City
Soldier's Home at.....	Lisbon

PENITENTIARY.

The very complete report of the Board of Trustees of the North Dakota Penitentiary is a very gratifying exhibit of the condition and management of the institution, and it is evident therefrom that not only are the discipline of the prison and the care and economy exercised in its financial management excellent but also that the physical, mental and moral well being of the inmates have proper attention. There are at present fifty inmates, the number having increased slightly during the year. In my former message I called the attention of the Legislature to the apparent possibility of a reduction in the per capita cost. The estimated per capita cost per year, based on actual cost for eight

months prior to Statehood, as shown in my former message, was \$556.75. The per capita cost per year, based on actual cost from March 8th, to November 1, 1890, as shown by the report, being the period during which the Institution has been under the management of the present Board of Trustees, would be \$312.72, which would show a reduction in the cost of per capita per year of \$244.03, at which rate there would be an annual saving to the State, based on the present number of inmates, of \$11,321.50.

There was appropriated by the last Legislature the sum of \$3,500 for the improvement of the water system at the Penitentiary; of this amount only \$226.69 has been used. The Trustees determined that the amount of appropriation was not sufficient to defray the probable cost of providing a proper system of water supply, and therefore, deemed it best to await further appropriation. They estimate that \$7,000 would be required to complete the needed water supply. There is no doubt of the pressing need of this improvement.

Your attention is called to the suggestions made by the Board in regard to the success attending the employment of the convicts in the cultivation of the prison garden, the land for which has been heretofore donated, and to their suggestion of the advisability of securing land to be cultivated as a farm for the benefit of the Institution; to the desirability of providing for the paroling of certain convicts, and also to the expense incurred by the State in the transportation and return of short time convicts, who, in the judgment of the Board, should be cared for by the respective counties.

HOSPITAL FOR THE INSANE.

The providing and placing within the reach of that class of our unfortunate and afflicted fellow-beings, whose clouded intellects and mental weakness render them peculiarly the wards of the State, the highest medical skill, the most humane treatment and the kindest care is a work that cannot fail to enlist the earnest sympathy of all. For what has been accomplished and is being done in providing for the care of this class, I refer you to the very full and elaborate report of the Board of Trustees and Superintendent of the North Dakota Hospital for the Insane, which is replete with valuable information. It also contains a very interesting account of the observations of Superintendent Archibald among the insane hospitals of Europe.

As bearing upon the comparative standing of this institution and those of like character in the country, the Trustees say: "From careful observation, we feel safe in saying that no hospital of similar character in the country can show a better condition of affairs, in the way of general results, the number of recoveries, the absence of epidemics and accidents, and in the apparent contentment of the inmates. The people of North Dakota, and especially the Legislatures of the past, are to be congratulated upon

the excellence and reputation of our home for unfortunate people, who become mentally diseased and are objects of public care and attention."

There was appropriated by Section 15, of Chapter 9, Session Laws of 1889, the sum of \$7,000, for the purpose of sinking an artesian well for the Hospital. A well has been sunk having a pressure of 47 pounds to the square inch, and flowing 6,000 barrels per day—a supply six times greater than all needs require.

The above pressure being insufficient for fire protection, the Board urges the pressing need of some provision being made for better protection against fire.

The several appropriations made for repairs have been expended. The completion of the attic and basement secures additional quarters for employes and gives ample room for hospital use for at least two years to come. A full report of the proceeds of the garden and farm, for the year 1890, will be found, showing a total of \$7,259.20.

The average number of inmates last year was 197, being an increase of 13 over the average of the previous year.

The estimated cost, per capita, per year, based upon the per capita cost for eight months ending October 31, 1890, this being the time during which the present Board have had control, is \$276.56, being a very handsome reduction from the per capita cost of former years.

As to the future wants and needs of the institution, and the appropriations asked for to meet the same, I respectfully refer you to the Trustees' report.

UNIVERSITY.

The report of the University of North Dakota, at Grand Forks, shows that this institution is in a prosperous condition. The able corps of instructors constituting its faculty is an assurance of the high educational character of the institution. The number of students in attendance during the year ending June 30, 1890, was 151. By an act of the last Legislature there was added to the course of instruction a military department and a school of mines.

As to the work being accomplished the President says: "Good work is being performed in every one of these colleges and departments. Indeed it is the general opinion, and this opinion seems to be well grounded, that, on the whole, more satisfactory work is going on than at any similar stage in previous years."

The last annual appropriation was about \$4,000 less than that of the previous year, and the Board indicate that the efficiency of the educational work of the institution has been somewhat lessened by what they deem the insufficiency of the last appropriation.

They also set forth, in their report, what they consider necessary to enable the institution to meet its increasing wants,

prominent among which is a dormitory for young men. I would respectfully call your special attention to what is there said in regard to the embarrassment to the board occasioned by the limitation of the appropriation for salaries to a shorter period than the length of the school year, as they find it almost impossible to engage instructors for a less time than that.

DEAF AND DUMB SCHOOL.

The School for Deaf and Dumb was established at Devils Lake, and an appropriation of \$5,000 made therefor. The city of Devils Lake very generously donated for the use of the school for two years a very commodious building, in which the school was opened on Wednesday, September 10, 1890, with seventeen pupils. The school is under the superintendency of A. R. Spear. It has been in operation but a few months, and the prospects for its success and usefulness are very encouraging. For a full statement of what is being done and of its wants and needs, I refer you to the full and complete report of the Board of Trustees and Superintendent.

NORMAL SCHOOL AT MAYVILLE.

The State Normal school at Mayville was opened in December, 1890, and is now in operation. No appropriation was made by the State, either for its establishment or maintenance, and it has been opened and supported, buildings secured, competent teachers employed and supplies furnished thus far, solely through the liberality of the citizens of Mayville and vicinity.

NORMAL SCHOOL AT VALLEY CITY.

No appropriation was made by the State for the State Normal school at Valley City, but through the liberal donations of the citizens of that city and the surrounding country, the school has been in successful operation for some weeks. Well qualified instructors have been secured, and the pupils number twenty-seven.

The successful continued maintenance of this school and the one at Mayville is dependent upon the support of the State.

The Academy of Science at Wahpeton, the Reform School at Mandan, and the Soldiers' Home at Lisbon have not yet been put in operation.

For each of these trustees have been appointed and they have met and organized, but beyond this no action has been taken, no appropriation having been made for them.

AGRICULTURAL COLLEGE.

An act was passed by the last Legislature, establishing an Agricultural College and Experiment Station at Fargo. No appropriation was made to put these institutions into operation. By an act of Congress, approved March 2, 1887, there is an annual appropriation for each State of \$15,000 for the support of an Ex-

periment Station, and by an act approved August 30, 1890, there is appropriated for agricultural colleges for the year ending June 30, 1890, the sum of \$15,000, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of \$1,000 over the preceding year, and the annual amount to be paid thereafter to each State and territory shall be \$25,000.

This gives \$31,000 for the college, \$15,000 being arrears for the year ending June 30, 1890, and \$16,000 for the present year ending June 30, 1891. This, together with the \$15,000 annual appropriation for Experiment Station, makes \$46,000, available for the present year. The total ultimate annual income from this source will therefore be \$25,000 for college, and \$15,000 for Experiment Station, or a total for all purposes of \$40,000. This amount, together with the income, which will eventually be derived from the land grant, will make a very liberal endowment for these institutions, the success and prosperity of which must be, on account of the extent and importance of our agricultural interests, of great benefit to the State. Only \$3,000 of the first annual appropriation for the Experiment Station is available for buildings and grounds. The trustees have secured temporary buildings and competent instructors and have both departments in successful operation.

These schools will not, however, be able to accomplish all that the ample endowment should assure until suitable provision is made for permanent grounds and buildings. Congress at its last session gave the State the authority to set aside, for the use of the college and station, Section 36-140-49, being a section of public school lands joining the City of Fargo and admirably located for college and experiment purposes. It now rests with the Legislature to make this available for the above purpose by passing an act conveying the title to this section of land to the college.

PUBLIC LANDS.

The total amount of public lands donated to the State by the general government for various public buildings and institutions is, in the aggregate, 668,000 acres. Section 2, Chapter 25, Session Laws of 1890, provides that all such lands shall be selected by the Governor or his duly authorized agent, subject to such rules and regulations as may be prescribed by the Interior Department.

In accordance therewith J. B. Power was appointed to make such selections and his report is herewith submitted.

This report says: "I have carefully examined the plats in the United States Land Offices at Fargo and Grand Forks and find of clearly vacant unappropriated lands in the two districts, some 661,000 acres." He also finds in these same districts that there are some 124,000 acres of expired pre-emption filings that are now vacant and unappropriated, and also a long list of tree claim filings

awaiting final proof, of which circumstances plainly indicate abandonment. The same is true also of homestead filings. He estimates the total amount of all classes of land from which selections may be made, in the two districts above mentioned, at 900,000 acres. The vacant lands in the Bismarck and Devils Lake districts are yet to be located and listed. He reports that there is no doubt that good agricultural lands can be found to satisfy the grant, not at present, however, of the minimum value fixed by the enabling act. In addition to the donation to the State by the general government of the amount of lands above referred to, Section 10 of the Enabling Act, provides for the selection of indemnity lands, for public school lands that have been entered by settlers, and for deficiencies caused by fractional sections. The amount of indemnity school lands is estimated at 35,000 acres. The Department of the Interior requires the State to pay an entry fee of one and one-fourth cents per acre. Mr. Power estimates the cost per acre of the selection of the lands, unless it is found necessary to make more personal field examinations, at one cent per acre, and the total cost of selecting lands, securing patents to the State of the grant of 668,000 acres, the 35,000 acres of indemnity school lands, and contingent cost of contest of the tree claim and homestead entries referred to, at, not to exceed four cents per acre, in which event the total cost to the State would be \$28,120.00.

There was appropriated for this purpose, by the last Legislature, \$15,000. As it is anticipated that the selection of the entire amount of the above lands will soon be completed, provision should be made for the probable excess of expenses over present appropriation.

SCHOOL LANDS.

The Board of University and School Lands, in accordance with the law providing therefor, leased all of such lands as, in their judgment, could be leased with profit. The amount received from such leasing was \$60,599.50, which amount, less cost of leasing, has been apportioned to the several counties for school purposes as provided by law. The proceeds from the leasing of these lands should have greatly exceeded the amount obtained and would, had there not been, in many counties, collusion on the part of persons desiring to lease these lands, thereby preventing free competition. This might, in a measure, have been obviated had the Board been empowered to fix a minimum price at which bids for leasing would be received.

Some modification of this law may be deemed advisable. An appraisal of the school lands has been made in such portions of the State where, in the opinion of the Board, the value of the lands would reach or exceed the minimum price at which they can be sold, which is \$10 per acre. The number of acres returned and appraised at \$10 per acre and over is 186,791. The law in regard to the sale of school lands provides that not to exceed 100,000

acres of the most valuable land shall be sold or offered for sale between June 20, 1891, and July 20, 1891. Should the sale of these 100,000 acres be made from those lands most valuable, I estimate that not far from \$1,500,000 will be realized therefrom. The income from the investment of this amount is to be apportioned among the public schools of the State. It will thus be seen that, with proper management of the lands and investment of proceeds, one of the heaviest items of taxation, the school tax, will soon be greatly lightened.

AGRICULTURE AND LABOR.

By the provisions of chapter 46 of the Session Laws of 1890, the law creating the office of Commissioner of Immigration, and providing for his appointment, was repealed. This chapter also defines the duties of the Commissioner of Agriculture and Labor, and, in addition to his other labors, imposes upon him many of the duties formerly required of the Commissioner of Immigration. By his report it will be seen that the collection of reliable information and statistics has been attended with considerable difficulty, owing to a want of authority to compel the various officers to furnish the information needed. In the absence of completeness and reliability, such information is of little value. Hence the desirability of the enactment of such legislation as will compel the furnishing of the data required. The labor of this office has also been somewhat hampered by the fact that the Legislature failed to make an appropriation for the cost of any scientific investigation, even while, by a concurrent resolution, requiring such investigation to be made of soil with reference to its adaptability to the culture of sugar beets. Believing the question of the adaptability of the soil and climate to the successful cultivation of sugar beets, and also the probable extent of our coal fields, the exact character of the coal obtained and its value as fuel, and to what uses best adapted, and its relative value as compared with other lignite and bituminous coal, to be of such importance as to justify the very moderate outlay at which, through the almost gratuitous labor of Prof. Babcock, of the North Dakota University, the work could be done, with the approval of the Executive the investigation was made, in the absence of any direct appropriation therefor.

As a very interesting and satisfactory result of Prof. Babcock's labors, it is shown that our soil and climate are admirably adapted to the successful culture of the sugar beet. From a number of tests made of beets grown in different localities in the State, the average of results obtained indicates a larger percentage of sugar than is obtained in Nebraska, nearly equal to the results in California, and greater than the percentage at which the culture of sugar beets has been profitable in Europe.

Upon investigation of the extent of our coal fields, he concludes that North Dakota's coal deposits are sufficient to supply not only

her own needs, but those of neighboring States for centuries. His analysis shows that, though lignite in quality, this coal is of high grade, and, in some cases, might be classed as bituminous, and for general heating purposes nearly equal to Iowa coal, and but little inferior to that of Indiana and Ohio. In closing his report, he says: "With increase of population this abundant and cheap supply of fuel will bring in new industries, and furnish supplies of great value to vast regions otherwise scantily supplied with fuel."

The Commissioner's report also contains much data of interest, showing the extent of our agricultural interests, and giving valuable information as to the possibilities of their wider and more diversified development.

RAILROADS AND WAREHOUSES.

Your attention is especially called to the report of the State Board of Railroad Commissioners, and their recommendations in regard to needed legislation. The proper regulation of railroads and elevators is a most important subject and one that demands careful and conservative deliberation. All spirit of class legislation should be eliminated from any discussion of this question. To all interests should be accorded their every right, recognizing the importance of all in the development of a new country. To enact such laws as shall make all property contribute its just share of the burden of government, as shall protect the weak against the encroachments of powerful corporations and shall remove and prevent such discrimination as shall retard the development of our natural commercial and industrial possibilities and, at the same time, not so circumscribe corporate interests by unjust regulations as to prevent them from realizing remunerative profit and thereby discouraging the investment of capital in the development of our industries, requires thoughtful study and careful, unbiased investigation.

The law approved March 3, 1890, fixing the rate for the transportation of coal mined within the State, was, by the courts, held to be repealed by the subsequent law giving the Commissioners power to fix the rates. The decision of the United States Supreme court in the case of the State of Minnesota vs. the Chicago, Milwaukee & St. Paul railroad, which involved the right of the Railroad Commissioners to fix rates, and which action was brought under a law almost identical with ours, so abridged the right of Railroad Commissioners to fix rates, that our Commissioners deemed it inexpedient to attempt the enforcement of that provision of our law.

A law capable of being enforced, looking to fixing such a rate as will fully compensate the railroads and, at the same time, enable the vast beds of valuable coal within our borders to be utilized by our citizens, and as will also build up jobbing centers and

protect our farmers against exorbitant rates, would prove of almost infinite value to our State. To accomplish this these laws need such careful revision as will make them conform to the latest decisions of the higher courts.

As to the laws passed at the last session of the Legislature affecting grain elevators and warehouses, the Railroad Commissioners report them as conflicting and, in many of their requirements, not enforceable. The act providing for the payment to the State of a license for grain elevators and warehouses was not enforced, the owners refusing to open their houses for the receipt of grain for storage under the terms of the law. A compromise was arranged, however, by which they were opened. The State received for license fees \$6,807.50.

There has been but eighteen miles of new railroad built during the year. The roads are reported to be in good condition and a large amount has been expended for betterments.

MILITIA.

Our State Militia, according to the report of the Adjutant General, consists of seven companies of infantry, two troops of cavalry, or mounted infantry, and one battery of artillery, all under one regimental organization. The infantry and cavalry are armed with Springfield rifles, calibre 45, model of 1884. The battery has two 3-inch rifled cannon, model of 1881, with the necessary caissons and limbers, ten Springfield rifles, calibre 45. The enrolled force is as follows:

INFANTRY.

Officers	20
Enlisted men	239

CAVALRY.

Officers	6
Enlisted men	65

ARTILLERY.

Officers	2
Enlisted men	46

—Making a total of 28 officers and 350 enlisted men. Of the enlisted men 148 are entitled to discharge by reason of expiration of service, leaving 202 enlisted men subject to military duty as organized militia. In my former message I recommended an amendment of the old Territorial law reducing the annual appropriation for the State Militia, and a reduction of the salary and expense allowance of the Adjutant General. This recommendation was made for the reason that the appropriation contemplated by the Territorial law was for the maintenance of the militia of what now constitutes both the States of North and South Dakota, and for the further reason that the financial condition of the State

was such as to require rigid economy. My recommendation, however, did not contemplate the extreme action taken by the last Legislative Assembly, upon which legislation the Adjutant General, in his annual report, makes some comment, to which you are respectfully referred.

By the law suspending, to a great extent, until 1893 the laws relating to the State Militia, and owing to a lack of appropriation, except for armory rent, there has been little increase in the numbers or efficiency of the militia during the past year.

Notwithstanding this state of affairs, and the lack of encouragement consequent thereon, the militia of the State, at the first indication of the trouble with the Indians, which caused some alarm among our people, promptly offered their services and signified their readiness to go into active service at a moment's notice. I take pleasure in calling attention to their willingness, promptness and zeal, evidencing, as it does, their devoted patriotism and unswerving loyalty to the State.

LIBRARY.

There was appropriated by the last Legislature \$4,500 for 1890, and annually thereafter \$1,000, to be expended by the Secretary of State for purchasing books for the State Library. The whole amount for 1890 has been expended, and the number of volumes purchased was 1,946. A circular letter was issued at an early date, asking the United States government and the several States for donations to our State Library of such books as were usually donated to the various States. From such donations the State received 1,881 volumes of valuable books. The total number of volumes in the Library at the date of report of the Librarian was 3,827.

Taking into consideration the desirable character of most of the books, the present condition of the Library is quite creditable for a new State.

CONSTITUTIONAL CONVENTION DEFICIENCY.

Congress has appropriated \$10,854.71 to reimburse the State for the cost of the Constitutional Convention in excess of the amount originally appropriated for that purpose.

REFORM SCHOOL SCHOLARS.

The State has at the Reform School at Plankinton, S. D., ten boys for the care and support of whom, within our State, no provision is made, nor is the Executive empowered to provide for their care elsewhere.

WORLD'S COLUMBIAN EXPOSITION.

I am in receipt of various communications from the managers of the World's Columbian Exposition, to be held in Chicago in 1893, urging our State to take such action as will enable her to

make a creditable exhibit. I refrain, in deference to my successor, from making any recommendation in regard to this matter. The importance of the best exhibit possible is apparent.

PUBLIC SCHOOLS.

The territorial laws, relative to public schools, lacked uniformity, and the last Legislature repealing them, enacted a new law in conformity with the State Constitution. Just how satisfactorily this law will meet our educational wants is not yet fully determined, the law having only gone into effect in July last.

The Superintendent of Public Instruction, in his very able, complete and instructive report, comments favorably upon the operation of the law thus far. His report contains also a very gratifying exhibit of the condition of our public schools. While it does not show a very marked increase in the attendance, nor in the value of school property, it does show a most satisfactory degree of improvement in the standard of instruction. It also appears that no less than 82 per cent. of the whole number of children of school age in the State are enrolled as pupils in the various public schools.

This, in a new State, with many counties sparsely settled, is, to my mind, a remarkable evidence of the appreciation by the people of the inestimable value of education and is a guaranty of the future intelligence of our citizens. No other interest more fully merits the wise and fostering care of the State than her system of common schools. I respectfully call your attention to the suggestions of the Superintendent in regard to certain amendments that he deems advisable.

It is with sadness that I refer in this connection to the sudden death on the 10th day of March, 1890, of a member of our official family, William Mitchell, late Superintendent of Public Instruction, a man of ripe experience and scholarly attainments. His labors in the cause of education, his devotion to the welfare of the State, and his earnestness and integrity of purpose rendered him peculiarly fit for the position. He was widely known and highly esteemed, and his death was universally felt to be a great loss to the State. W. J. Clapp was appointed as his successor.

PUBLIC HEALTH.

The report of the Board of Public Health shows an absence of any general epidemic, and a very favorable sanitary condition of the State. Therein will also be found suggestions as to such Legislation as is deemed necessary to give this department that efficiency that the growing sanitary needs of the State require.

VETERINARY SURGEON.

The Veterinarian Department of the State government is increasing in importance on account of the rapid development of the

live stock interests of the State. This industry is doubtless destined to be an important factor in our agricultural growth. Vigilance in the management of this department will be required to obviate any discouragement which might come to this new industry by the importation, outbreak and spread of infectious and contagious diseases.

The interest in sheep raising during the past year has led to the importation of large numbers of sheep, some flocks of which were found to be infected with contagious diseases. In order to stamp out the disease in its incipiency, vigorous measures were taken to prevent its spread and a quarantine was ordered in a few counties where most prevalent, and it is believed it is nearly eradicated.

There is a defect in the quarantine law in that it lacks the power of being enforced. For a full statement of the condition of the department, and suggestions as to needed Legislation, I refer you to the report of the Veterinary Surgeon.

INSURANCE.

The separation of the Insurance from the Auditing department has proved very satisfactory, the report of the Commissioner of Insurance showing a most gratifying condition of this department.

The total receipts of this office for the year are \$17,391.91, which, upon comparison with former years, shows a decided increase in business. The Commissioner makes a few suggestions as to needed legislation.

SECRETARY OF STATE.

The report of the Secretary of State shows that the receipts of his office for various fees amounted to \$1862.00, which amount has been covered into the State Treasury.

STATE BANKS.

The new banking law, enacted by the last Legislature, which had for its purpose the ensuring of greater security against unreliable private banks, and the bringing within the reach of the assessor the property invested in such banks, has not been fully enforced, suits having been instituted by some bankers to test its constitutionality. The Public Examiner calls attention to the matter.

PUBLIC EXAMINER.

The Public Examiner, in the very full statement of his labors, reports the successful operation of the laws enacted by the last Legislature, providing for a uniform system of accounts for the State Auditor, the State Treasurer and the public institutions.

He makes no report of having discovered any irregularities in the accounts of those officials whom it is his duty to examine. The report contains a statement of the various State banks, organized

under the new banking law, which went into effect July 1st, and shows the financial condition of the several counties. I call your special attention to his recommendations in regard to further legislation, prominent among which are those in reference to fixing a specific time for the payment to the various counties the proportion of gross earnings tax due them, providing by law the time and method of accounting for, and paying into the Treasury, the fees of State officers, and those with regard to State banks.

ATTORNEY GENERAL.

Your attention is called to the report of the Attorney General, in which will be found a full statement of cases tried and opinions rendered. There will be found some valuable suggestions as to needed amendments to existing laws.

PROHIBITION.

As required by Article XX of the State Constitution, which Article prohibits the manufacture, sale or gift, within the State, of any intoxicating liquor, the last Legislature enacted a stringent law prescribing regulations for the enforcement of the above Article and providing suitable penalties for the violation thereof. This law went into effect July 1, 1890. At the time of its passage and for some time subsequent thereto, there was, I believe, a general disposition on the part of all to acquiesce in its enforcement.

A short time previous to the going into effect of the law, a decision was rendered by the Supreme Court of the United States, holding that, in the absence of legislation on the part of Congress, the statutes of a State restricting or prohibiting the sale of intoxicating liquors, within its territory, are inoperative as applied to liquors sent or brought from another State and sold by the importer in what are called "original packages." The effect of this decision was to stimulate the evasion of the State law, and dealers who, previous to the decision, intended to leave the State or abandon the business, were induced to remain and continue the traffic as dealers, ostensibly at least, in original packages.

Subsequent to this decision of the Supreme Court, the Congress of the United States passed an Act known as the Wilson bill, giving to the states the right to regulate or prohibit the sale, within such state, of intoxicating liquors when imported from other states in any form. The State authorities, in their attempt to enforce the law in conformity with the provisions of this act, were met by a decision of the State district court holding that the Act known as the Wilson bill, having been passed subsequent to the State prohibitory law, did not by its passage re-vivify the State law, and therefore, until that clause prohibiting the importation of intoxicating liquors was re-enacted, it was inoperative. It has been, however, held by Judges Caldwell and Shiras, of the United States Circuit Court, that by the terms of the Wilson bill the prohibitory law is in full force and effect, and that it is the original

package that was killed and not the law. Owing to these various conflicting opinions, the law and the possibility of its enforcement have not been fairly tested. It is, however, believed that, even under these unfavorable conditions, its observance is quite general except in some portions of the State where public sentiment has not been in full sympathy with its enforcement. It must be conceded that owing to the conflicting legal opinions, the possibility of the successful enforcement of the prohibitory law has not had a fair trial, and that a due regard for the will of the majority of the voters of the State, as expressed in the prohibitory clause of the Constitution, demands a further and fair trial of its operation.

LOTTERIES.

The action of Congress, relating to lotteries, for which the Nation is to be congratulated, and in which North Dakota should take special pride because of the important influence of her course upon national legislation, seems to point to their national extinction. I beg leave, however, to suggest that it might not be unwise to, by an amendment to our Constitution prohibiting the chartering of lotteries in our State, place her in harmony with the almost unanimous sentiment of her sister states.

SEED WHEAT.

The last Legislature failed to in any way provide seed grain for farmers who, from loss of crops, were unable to procure the same.

The committee appointed to devise means and provide such seed reported that they were unable to do either, except upon certain conditions, and these conditions were rejected by the Legislature.

In view of these facts, and the apparent demand, which demand afterwards proved to be in a great measure artificial, that some assistance must be rendered, or a large acreage of prepared land would, for want of seed, be left unsown, immediately upon the adjournment of the Legislature a plan was perfected, without the aid of the State, and by a committee having no official connection therewith, which placed within the reach of all, who were otherwise unable to secure the same, and desired to avail themselves of the proposed plan, the needed seed and feed.

THE INDIANS.

The recent indications of hostility among the Indians at Standing Rock and other agencies, caused considerable alarm among the people residing near reservations, and the demands upon the State government for protection have been frequent and urgent. There has been no time when I deemed the danger imminent in our State. I, however, used every means to keep fully informed as to the true situation that prompt measures might be taken for the protection of settlers in case of hostile demonstrations. To

ally exaggerated apprehensions, such arms as could be spared were distributed in some exposed portions of the State.

While there has been some bloodshed caused by a collision between the Indians and Indian police and later between the United States troops and Indians, near Standing Rock and Pine Ridge agencies, I have no information of the slightest depredation or hostile act having been committed upon settlers in North Dakota. From the most authentic information obtainable from the military authorities and from the various agencies, there is very little, if any, danger to be feared at present in our State from hostile Indians.

The general government has voted to the State of North Dakota to be distributed among settlers, for their self defense, 1,000 stand of arms, which have not yet been received. The present agitation suggests the probable propriety of a more efficient organization of the State militia and the strengthening of military posts by the United States government, all of which might not be needed but would tend to counteract any feeling of insecurity which might operate to prevent or retard the settlement of those portions of the State most exposed.

DESTITUTION.

There was appropriated by the Legislature of 1890 \$2,500 to be expended through the Commissioner of Agriculture and Labor for the relief of the destitute. Of that amount \$1,138.85 has been used in the manner set forth in the Commissioner's report.

No report has been received from the Board of Agriculture.

PARDONS.

Pardons have been granted as follows:

John Dilley, convicted of the crime of manslaughter, and sentenced June 4, 1885, to the penitentiary for the period of seven years, was pardoned October 6, 1890.

Reasons: It appears that his time of imprisonment, owing to time allowance for good conduct, will expire on the 19th day of November, 1890; that his wife, Harriet Louise Dilley, who was convicted of the same crime at the same time and place, and sentenced for the same period, has been pardoned for reasons set forth in her pardon; and that said John Dilley is desirous of returning with his entirely helpless wife to their friends in Wisconsin that he may be better able to provide for the maintenance of self and wife.

Harriet Louise Dilley, convicted of the crime of manslaughter, and sentenced June 4, 1885, to the penitentiary for the term of seven years, was pardoned October 6, 1890.

Reasons: It appears that her term of imprisonment, owing to time allowance for good conduct, will expire on November 19, 1890; that she is an invalid, and by reason of her disease rendered entirely helpless; and that it is in the interests of humanity that

she be permitted to go to her friends before the setting in of winter.

Michael Liston, convicted of the crime of grand larceny, and sentenced November 23, 1889, to the penitentiary for the period of two years and six months, was pardoned December 18, 1890.

Reasons: The pardon is recommended and asked for by the judge presiding at the trial, the district attorney who prosecuted, the prosecuting witness, and numerous citizens of the State on the grounds that said Michael Liston has an estimable wife and several small children, entirely dependent upon him for support; that he has always, prior to this charge borne a good character and reputation, and been a kind and provident husband and father, and a law-abiding citizen; that the crime was committed at the instigation and through the influence of others; and it is shown that his conduct, while in prison has been good.

Erick Tangen, convicted of the offense of selling intoxicating liquors, in violation of Chapter 110, Session Laws of 1890, and sentenced to imprisonment in the county jail of Grand Forks county for the period of ninety days, was pardoned December 27, 1890.

REASONS: The pardon is recommended and asked for by the judge presiding at the trial, the district attorney who prosecuted, the deputy clerk of the district court, and numerous citizens of the State, on the grounds that said Erick Tangen had been a hard working, honest and industrious person, and had not heretofore been convicted or accused of violating the laws; that he had been only a week engaged in the business of selling liquor, and that as an employe only; that he was induced to engage in the business by the necessity of providing money for the support of his family, and through ignorance of the law.

Gentlemen of the Legislative Assembly:

I herewith lay before you, as is made my duty, the printed reports of the State officers and of the directors and trustees of the various State institutions. There is much of encouragement as to the present and future of our young State to be found in a careful perusal of these reports.

While the Treasurer shows that we have been compelled to increase our bonded debt to meet the current obligations during the past year, we have not, as was very generally feared, impaired our credit by our inability to defray the extraordinary current expenses incident to statehood, including the cost of an extra session of the Legislature, of unusual length. With the increased assessment of the present year, as shown by the Auditor's report, augmented in the future as it should be, by our natural growth and by such a revision of our revenue laws as shall compel all classes of property to bear their just proportion of taxation, by a fixed and permanent provision whereby the railroad and other

corporations of the State shall be made to bear their equitable and just share of the expenses of the government with expenditures limited, by careful and economical management, to our absolute requirements and with no further regular session of the Legislature until 1893, there would seem to be little doubt of the income of the State being sufficient to meet the current annual expenses. The substantial support which is soon to come to our schools and various public institutions from the vast donation of public lands, thus guaranteeing their growing excellence, the unmistakable evidence of the success of a rapidly increasing diversification of agricultural production and of the still larger possibilities in this direction, the assurance of our, as yet, illy comprehended limitless wealth of fuel, the splendid and constantly increasing commercial advantages afforded by our network of railroads; all supplemented by the intelligence, enterprise and vigor of our people present a possible future for our young commonwealth that may well fill all true Dakotans with pride, and you, who are here to-day as the chosen representatives of her sacred interests, with a deep sense of your responsibility.

I also desire to extend to my successor and his associates my warmest congratulations and best wishes for a successful and harmonious administration, and I bespeak for him the hearty co-operation of the Legislature and the people in the performance of his arduous and trying duties.

I desire to take this occasion to express my appreciation of the uniform personal and official courtesy shown me by all my associates of the various branches of the State government, and for the cordial and efficient aid afforded me in the discharge of my official obligations.

The transmission to you of this summary of State affairs ends my duties as Executive. The measure of wisdom and fidelity with which I have discharged the responsibilities of that high position I leave to be judged by my fellow citizens.

The severing of my official relations with this commonwealth in no way loosens the ties that bind me to her and her people.

May North Dakota be blessed with exceeding prosperity, and realize the full fruition of her grandest possibilities.

JOHN MILLER,
Governor.

At the conclusion of the delivery of Governor Miller's message, the oath of office as Governor was then administered to Hon. Andrew H. Burke, Governor-elect of the State of North Dakota, by the Hon. J. M. Bartholomew, Associate Justice of the Supreme Court of the State of North Dakota.

The oath of office was also administered to the State officers-elect by the Hon. J. M. Bartholomew, Associate Justice of the Supreme Court of the State of North Dakota.

The President of the joint session introduced Hon. A. H. Burke, the incoming Governor, who delivered the following address:

GOVERNOR BURKE'S INAUGURAL ADDRESS.

Gentlemen of the Senate and House of Representatives:

My honorable predecessor has just placed before you a clear and comprehensive statement of the transactions of his office during his incumbency, together with a report of the condition of the various departments of State. It now devolves upon me to call your attention to such legislation as to me seems necessary.

It is scarcely to be expected that I am better informed upon this subject than yourselves. But before proceeding in this direction I cannot refrain from reminding you that the quality and character, and not the number of measures we may consider or enact, will be the criterion by which the people will determine our fitness to legislate for them, and that the best interests of our young Commonwealth demand an economical and judicious administration of its affairs; yet public interests demanding financial assistance should receive from us discreet consideration.

Among the first duties to be performed by you will be the selection of a representative for North Dakota to the highest council of the nation. In the discharge of this responsibility I have no doubt you will act with that clear perception which may be expected to characterize all your other deliberations.

QUESTION OF INTOXICATING LIQUORS.

We cannot close our eyes to the fact that our people have, by constitutional enactment, designated a method for the control of the liquor traffic within our State. This is a matter of great importance. It must be admitted by those who have given the subject serious consideration that each of the different methods of dealing with it has earnest advocates in every section of the State; and while I do not propose to discuss the respective merits of these systems, yet let us not forget that, by the voice of the people, prohibition has been adopted as a settled policy in North Dakota.

The last Legislature passed an enactment prescribing regulations for the enforcement of this provision of the organic law. The circumstances by which that enactment is now practically inoperative are well known to all. We therefore find ourselves in the embarrassing position of having no control whatever of the sale of liquors as a beverage within our State.

I am credibly informed that the Supreme Court of this State will be called upon, some time during the present month, to render a decision as to the legality of this penalty enactment. After such decision has been rendered, should it be adverse, it would appear to me as our immediate duty to take such action in the premises as may be warranted for the full enforcement of the constitutional provision, in order that a fair test may be given.

this method of controlling the disposition of intoxicating liquors in North Dakota. While, on the other hand, should the Supreme Court decide this law as operative, then there is but one course for your Executive, and every other official in the State, to pursue, and that is to enforce the law.

REVENUE AND TAXATION.

Probably the most important of the subjects which should receive attention at this session is that of revenue and taxation. The last Legislature of this State enacted a new and complete code of revenue laws, so varied and comprehensive in their scope as to cover nearly every conceivable subject of taxation from which revenue is usually derived for the support of the State and the maintenance of its institutions; and, while I do not wish to pronounce upon the general plan of taxation thus adopted, I am, nevertheless, convinced, from personal experience while acting in an official capacity, as well as by the opinion of our State and county officers, that in many respects the ambiguity and apparently conflicting provisions of these laws are a source of great embarrassment to those who have to administer them, as well as of insecurity to the people affected by them, necessitating a complete revision.

That equitable and just laws should exist, there can be no question—such as shall fully protect the interests of the people, and at the same time deal fairly with all persons and corporations doing business within our borders. Our finances should be based upon sound business principles. The State should know, approximately, in advance what its income is to be, thus enabling it to determine upon the certain liquidation of its obligations and the preservation of its financial integrity.

The foregoing remarks with reference to the revenue laws apply also to the warehouse laws. There are several of these, and the Railroad Commissioners, in a circular issued by them last August, recognized the fact that these enactments are conflicting in their provisions, ambiguous in their wording and inequitable in their application.

It would seem to me that this subject should receive your most careful consideration, having in view a practical solution of this much vexed question.

STATE MILITIA.

From recent disturbances within our State, it seems to me impossible that anyone should ignore the necessity of an adequate State militia. I think no state pursues the proper course when it neglects to provide for this branch of its service, representing, as it does, all classes of citizens. You see the merchant, the farmer, the mechanic, the artist and the professional man, standing shoulder to shoulder when you scrutinize its personnel. There-

fore, in legislating for the militia you are favoring no particular class. It is for the benefit of all. Legislatures do not hesitate to provide for the maintenance of all other State service, but they seem too often possessed with the idea that a State militia is not requisite to good government, and therefore not entitled to substantial recognition. I hold that the State Militia is a necessary adjunct to the body politic, and should be so considered and supported. Its services may be required at any moment. Let us be wise in time of peace that we may be effective in emergency. I do not wish by this to be understood as favoring the support of a large body of men; but I deem it of importance that the State have an efficient organization at its command, at all times, to meet any exigencies that may arise. This service should receive such recognition at your hands as will encourage the young men of the State to take pride in being identified with it. You might advantageously provide for the establishment and maintenance of a permanent encampment ground at some accessible point (now that the State is young, and such location could be secured at nominal cost), where all the essentials suitable to profitable instruction could be preserved, thereby founding a school of military discipline and training, and one, too, which should be devoid of the holiday feature usually attendant upon annual encampments.

The laws of our State, as now framed, offer but little encouragement to the perfect organization and support of this very important service. I sincerely hope that in the course of your deliberations you will find time to conscientiously consider and so revise the laws as to deal more liberally with the militia.

REVISION AND CODIFICATION OF THE LAWS.

Our State Constitution is a document of which we may feel justly proud. Its clear and unequivocal provisions will prove a safe and satisfactory guide to us in the framing of necessary legislation, as well as point out the subjects which most require our consideration.

Section 2 of the Schedule provides that: "All laws now in force in the Territory of Dakota which are not repugnant to this Constitution shall remain in force until they expire by their own limitation, or be altered or repealed;" but the fact that the nature, scope and necessities of an independent State government, whose people are invested with sovereign power, differ so materially from a dependent Territorial government, which is permitted to exercise only such powers as are delegated by the National Government through Congress, necessarily renders the question as to what statutes are and what are not "repugnant to this Constitution" one of much perplexity, making it necessary to weigh each provision of the Territorial Code by the standard of the Constitution before a citizen may know or feel reasonably sure of what is and what is not the law. Thus the people are compelled to per-

form duties which belong to the legislative branch of the government. Perplexities are multiplied and litigation courted.

I am aware that the proper revision and codification of the laws will require much arduous and conscientious labor, demanding the expenditure of a considerable sum of money; but if it be a duty which we owe the people of this State to provide for them a code of laws consistent with our Constitution and in harmony with its provisions, I submit that no time should be lost in considering the means by which this obligation may be most effectively and economically discharged.

AGRICULTURE.

The crops of the past year (speaking of the State generally) have been abundant and successfully harvested. This, in connection with the comparatively good prices obtained, has had a tendency to place our farming interests in a more satisfactory condition than for some years past. This is gratifying to me, and, doubtless, equally so to you.

In the way of stimulating a diversification of our agricultural pursuits, the introduction of sheep raising, as an addition to the resources of our farmers, I look upon as worthy of attention and study. These sheep, as a rule, are held in small flocks, and the establishment of this industry appears to me as a step in the direction of making every section of our State wealth-producing.

I trust there will be no hesitancy in the passage of any legislation which has for its object the fostering and rewarding of all our agricultural interests.

IMMIRATION.

This is a subject entitled to consideration. Other States have derived great benefit from persistent efforts in the way of inducing immigration to their territory, and it is conceded that no section of the Union possesses better lands, more healthful climate or more encouraging prospects than North Dakota.

We are yet in the formative period of our existence as a State. Our future largely depends upon the character of those who are to make their homes within our borders, and the vigorous development of every industry that will tend to give stability and permanency to our business affairs. We should not only welcome to our State that class who will develop and diversify our agricultural resources, but as well those who, by the judicious investment of capital, will enable us to manufacture within our own territory the commodities which our natural resources render possible and our demands necessary, thereby developing our home markets and at the same time increasing our wealth and importance as a State.

Certain sections of our State are now endeavoring to place properly before the world the inducements we have to offer. Dur-

ing the course of your session you may be called upon to render assistance to this movement; and my impression is it would be wise to give this subject favorable consideration.

ELECTION REFORMS.

Several states have recently introduced reforms in the manner of conducting elections, and, I am led to believe, have obtained much benefit therefrom. There are sections of our State as yet but sparsely settled, and probably it would not be wise to attempt, at this time, to inaugurate a change which would materially affect these districts; yet I am satisfied that in our larger towns and cities some alteration should be made in the present system of managing elections. Our existing mode of affording protection to the elective franchise is neither complete nor satisfactory. This is not in keeping with the principles of a republican form of government.

It has been ascertained that at our last election many of the legal voters of the State were disfranchised because of the peculiar provisions of the law now in force. I am also satisfied, upon investigation, that what is known as the Australian system will not alone meet our needs, but in addition a law providing a complete system of registration, with a severe penalty for its violation, would be desirable and effective.

I call your attention to this matter with a view of having you take such action as the demands of the people require for a pure and untrammelled expression of their will at the ballot-box, that we may maintain our position in the progress of the age, and that our State, in its early history, may throw around the elective franchise the safeguards of wise and precautionary legislation.

UNIFORM STATE TEXT-BOOKS.

I am sure we are not presuming too much when we point with great pride to the wholesome condition of our educational interests. The wise course heretofore pursued by those in charge of this important public department is commendable. I am an advocate of all educational methods which tend to raise the standard of public instruction and to secure a higher proficiency in the student; hence, I have deemed it pertinent to call your attention to the subject of a series of uniform text-books for our public schools. Other states have taken cognizance of the need for improved methods of education; and while I am not now prepared to make a recommendation to you as to what is the best course to be pursued in this direction, yet I am convinced, from investigation, that the establishment of a uniform series of school books would be highly beneficial—now that we are building for permanency, and have the opportunity of profiting by the experience of other states.

The constant changing of residence by families, and the removal of public instructors from one district to another, make it

all the more desirable to have a uniform system of books, so that teacher, as well as pupil, wherever located, may be equipped and familiar with the books in use.

Whether it would be advisable for the State to purchase the books and furnish them without expense to the pupil, is a debatable question. However, I am of the opinion that were the State given authority to purchase the books and supply them at actual cost, as is the practice elsewhere, a great saving in the aggregate would result to those who are now compelled to procure educational supplies.

THE WORLD'S COLUMBIAN EXPOSITION.

I call your attention to the fact that the President of the United States has issued his proclamation authorizing the holding of a World's Columbian Exposition at Chicago in 1893. This exposition is for the purpose of celebrating the four hundredth anniversary of the discovery of this continent by Christopher Columbus.

The magnitude of this affair will be something stupendous in its character, consisting in part of a display of the arts, sciences and manufactures of the world, as well as a comprehensive exhibit of the products of the soil, the mine and the sea.

A national commission has been created by an act of Congress, composed of two representatives from each State and Territory in this Union, empowered with the supervision of arrangements for this great fair, the expenses of which are to be paid by the National Government. Every foreign country, as well as the several States and Territories composing this great Union, will be invited to participate.

Many of our sister States have already named commissioners, independent of those provided by national legislation, and made necessary appropriations for the display of their exhibits. I would therefore recommend that you take such action in the premises as in your judgment may seem proper for the interests of North Dakota.

APPROPRIATIONS.

I have called your attention to several measures, which, if carried into execution, will need financial assistance; and in doing so I have not been unmindful of the extreme limit of our legalized indebtedness, which (without for a moment assuming to criticise the motives of the framers of this clause of our constitutional law) is, in my opinion, inadequate to the proper development of our diversified resources and the sustenance of our already founded institutions, as well as those which have been located, but not yet provided for.

While economy on your part will be recognized as wise and judicious, yet prudential liberality, where the welfare of the State demands, will, I have no doubt, receive the sanction and approba-

bation of the people; for, be it remembered, we cannot expect to exist and progress without incurring responsibility.

In making your appropriations, be fair and just. I believe the people will countenance and indorse intelligent expenditure when the dignity of the State is to be considered and its prosperity promoted.

CONCLUSION.

And now, gentlemen, after having conscientiously made reference to the more important measures which I deem should receive consideration at your hands, I wish to dwell but a moment in conclusion.

That our most sanguine anticipations for continued prosperity have not always been fully realized, there is no denying; yet we are far from being in a state of destitution. Our soil is fertile, our climate invigorating, our people intelligent and industrious. The sun shines with the same continuity and brightness upon the prairies of North Dakota as upon any portion of the universe; and it is our duty to nurture and to be grateful for these auspicious conditions.

Let us throw open our gateways to the sturdy husbandman and the promoter of enterprises, and demonstrate to the world that we are a people of undaunted courage and unquestioned fortitude—the possessors of a land rich beyond comparison, although in the infancy of its development.

Misfortunes have been encountered in the settlement of every new country. I grant that we have the unfortunate within our borders. Where in history can you find the millennium of universal comfort?

Notwithstanding our general prosperity, ill-advised and, I am informed, unauthorized persons, residing in localities where the crops have been poor, have, without applying to the proper authorities within the State for assistance, gone abroad asking for aid. Such proceedings cannot be too severely censured.

Let us preserve our dignity as a sovereign State and prove our pre-Statehood assertion of being self-supporting by first exhausting our own resources before permitting ourselves to become the objects of charity at the hands of a generous nation.

You, gentlemen, do not resemble the servants of a destitute constituency, but rather the representatives of a people proud of their past achievements and hopeful of a propitious future.

It is my sincere desire that this session of your honorable body may be fruitful in beneficial legislation for the Commonwealth, and that our relations may be of the most cordial and harmonious nature. The occasion may arise when I shall feel compelled to differ with you on matters pertaining to the performance of our common duty. Should that time come, I hope you will accept my conduct as prompted only by a desire to guard carefully and conscientiously the best interests of our State.

It will be to me a source of pride and gratification if, at the end of your session, I shall have earned your confidence and respect for having pursued a course both courteous and impartial; for having been governed by principle and not by expediency, ever mindful that each of you was my peer, worthy of that respect always due a representative of the people.

In entering upon the duties of this office, which a great people has bestowed upon me, I do so unfettered by pledges; and I shall rely upon your wisdom and forbearance to assist me in a constant discharge of the responsibilities of my station.

A public officer of a sovereign State takes his glory from its people, and he should not assume that its grandeur is the outgrowth of his individuality.

May a kind Providence vouchsafe health to you and your families, while you are here in your official capacity, and together let us work as becomes public servants, in a spirit of harmony conducive to the welfare, advancement, and honor of our Commonwealth.

ANDREW H. BURKE,

January 7, 1891.

At the conclusion of the delivery of Governor Burke's address, the President announced an informal recess of ten minutes.

Joint session reassembled.

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

J. G. HAMILTON,
Clerk of the Joint Session.

The House reconvened and proceeded to the election of a janitor.

Mr. Oliver nominated Wm. Head for Janitor.

Mr. Walton nominated Mr. Walton of Burleigh.

The roll being called there were 57 votes cast, of which Mr. Head received 35 and Mr. Walton 33.

Those who voted for Mr. Head were:

Messrs. Axvig, Bjornson, Burke, Brooke, Cunningham, Daily, Daniels, Ebbighausen, Erickson, Farrah, Graber, Gill, Horgan, Haight, Holte, Hodgson, Hill, Holritz, Loomis, Lamb, McCulloch, McKendry, Osgood, Oivier, Peterson, Peabody, Smith, Skinner, Thompson, Tufts, Triplett, Wallen, Watson, Ward, Yegen.

Those who voted for Mr. Walton were:

Messrs. Brown, Colosky, Christianson, Douglas, Dennett, Davis, Fiske, Fay, Hanson, Havrevold, Hall, Kearney, Larson, Lutz, Loring, Noltimier, Richie, Strom, Satterlund, Williams, White, Walton, Mr. Speaker.

Absent and not voting:

Messrs. Beardsley, Burton, Cope and Foss.

Mr. Head having received a majority vote of all the members-elect was declared duly elected Janitor.

Mr. Hill moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 8, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

Mr. Lutz moved

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

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Lutz, Beardsley and Richie.

The committee to devise a means for drawing seats reported that they had been unable to agree upon a method and asked to be discharged.

Mr. Tufts moved

That the members be permitted to retain the seats which they are now occupying.

Mr. Hill moved as a substitute

That the report of the Committee be adopted, and that the Committee be discharged,

Which motion prevailed.

Mr. Kearney moved

That a new Committee be appointed with instructions to report to-morrow.

Mr. Brooke moved as a substitute

That the members be permitted to retain the seats which they are now occupying.

Mr. White moved as an amendment to the substitute

That the seats be drawn by lot and by districts,
Which amendment was lost.

The question then recurring on the substitute motion,
The substitute motion prevailed.

Mr. McKendry offered the following resolution:

Resolved, That Christ Nordstrom be and is hereby appointed Doorkeeper and Janitor of the gallery at \$3 per day.

Mr. Foss moved

To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the Secretary of State:

BISMARCK, January 8, 1891.

To the Honorable the House of Representatives:

GENTLEMEN: I beg leave to inform you that documents of contest for seats in your honorable body have been filed in this office by Joseph Hare vs. William O. Ward, and by J. F. Philbrick vs. John Yegen, from the Twenty-seventh Legislative district.

I have the honor to be your obedient servant,

JOHN FLITTE,
Secretary of State.

Mr. Foss moved

That the communication from the Secretary of State be referred to the Committee of the Whole,
Which motion was withdrawn.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Brooke introduced—

House Bill No. 1,

A bill for an act to provide for the maintenance of the Deaf and Dumb Asylum at Devils Lake, and to provide for the payment of the salary of the superintendent,

Which was read the first time.

Also,

House Bill No. 2,

A bill for an act to secure more fully the independence of electors at public elections, to enforce the secrecy of the ballot and to provide for the printing and distribution of ballots at the public expense in the State of North Dakota.

Mr. Oliver moved

That the first reading of House Bill No. 2 be deferred until the same shall be printed,

Which motion prevailed.

Mr. Richie introduced--

House Bill No. 3,

A bill for an act to amend Section 81 of Chapter 62 of School Laws of 1890,

Which was read the first time.

Mr. Peterson introduced--

House Bill No. 4,

A bill for an act to provide for the protection and regulation of primary elections.

Mr. Gill moved

That the further reading of House Bill No. 4 be dispensed with until the same shall be printed,

Which motion prevailed.

Mr. Lutz introduced--

House Bill No. 5,

A bill for an act to relieve counties from liability to the State for certain uncollectible Territorial and State taxes,

Which was read the first time.

Mr. Axvig introduced--

House Bill No. 6,

A bill for an act repealing an act entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Which was read the first time.

Mr. Strom introduced--

House Bill No. 7,

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

Which was read the first time.

Mr. Strom introduced--

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, A. D. 1877,

Which was read the first time.

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

Resolved, That the Secretary of State be required to furnish to each member of the House, and to the Chief Clerk thereof, a copy of the Compiled Laws and the Session Laws of 1889-90, Laws of Dakota.

Mr. Oliver moved

To amend the resolution to provide that the Chief Clerk be instructed to hold back one day's per diem from each of the members, the same to be paid to members only upon return to the Clerk of their copy of the Compiled Laws,

Mr. Lutz moved

To lay the amendment on the table,
Which motion prevailed, and
The amendment was tabled.

Mr. Strom moved

To amend the resolution to request the Secretary of State to furnish half a dozen copies of the Compiled Laws to be placed upon the Clerk's desk for the use of members,

Which motion prevailed, and
The resolution was so amended.

Mr. Brooke moved

To reconsider the vote by which the amendment was carried.

Mr. Kearney moved

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

Mr. Brooke moved

That the Secretary of State be instructed to furnish a copy of the Compiled Laws for each desk at which two members are seated.

Mr. Oliver raised the point of order that the motion was out of order,

Which point of order was decided well taken, and

Mr. Speaker ruled the motion out of order.

Mr. Brooke moved

To take the motion to reconsider from the table.

Mr. Oliver raised the point of order that the motion was out of order, because the gentleman voted in the affirmative,

Which point of order was decided well taken, and

The motion was ruled out of order.

Mr. Gill moved

That the Secretary of State be requested to furnish one copy of the Compiled Laws for each district.

Mr. Cope moved as an amendment,

To strike out "each district" and insert "each double desk."

Mr. Burton moved

That the subject matter of this discussion be indefinitely postponed,

Which motion prevailed.

Mr. Gill moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 9, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The journal of the previous day was read and approved.

The Committee to revise and correct the Journal of the second day submitted the following report:

MR. SPEAKER:

The Committee appointed to examine the Journal of the session of the second day report the same to be correct.

GEORGE LUTZ,
Chairman.

Mr. Strom moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Dennett moved

That the vote by which it was decided that members should retain their present seats, be reconsidered,

Which motion prevailed.

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

Resolved, That the Speaker be and is hereby requested to appoint a committee of nine members on privileges and elections at as early a date as convenient.

Mr. Lutz moved

To amend the resolution to provide that at least three members of the committee shall be democrats,

Which amendment was accepted, and
The resolution as amended was adopted.

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

WHEREAS, There seems to exist a doubt as to the time the term of office of county auditors in several counties of the State expire, now to avoid confusion and litigation, be it

Resolved, That the opinion of the Attorney General be asked upon this proposition, viz: Do the Constitution and Laws of 1890 repeal the law under which some of the county auditors were elected or appointed for a term to expire March, 1891, or do such auditors hold to that time?

Which motion prevailed, and
The resolution was adopted.

Mr. Oliver moved

That the House proceed to the drawing of seats: that the Chief Clerk be instructed to place 31 numbers in a hat and that each county select some member to draw a number from the hat, which number shall fix the order of choice for the county.

Mr. Skinner moved as an amendment

That the drawing be by districts instead of counties.

Mr. Kearney moved

That the motion and its amendments be laid upon the table,
Which motion was lost.

The question then being upon the amendment offered by Mr. Skinner,

The amendment was lost.

The question then being upon the original motion,
The original motion prevailed,

Mr. Fay moved

That members who are partially deaf be given the first choice of seats,

Which motion was lost.

Mr. Oliver moved

That Mr. Kearney and Mr. Skinner be allowed to select a front seat.

Mr. Noltimier moved

To add the name of Mr. Davis, and

Mr. Brown moved

To include also Mr. Beardsley, which names were included by unanimous consent.

Mr. Oliver moved

That the House take an informal recess for ten minutes,
Which motion prevailed, and

The House took an informal recess, during which the drawing for seats occurred.

House reassembled.

Mr. Gill (by unanimous consent) offered the following resolution:

Resolved, That the Secretary of State be and is hereby requested to furnish a gavel for the Speaker's desk.

Mr. Oliver moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Kearney moved
That a committee of three be appointed to wait upon the Secretary of State, and secure a bond given by Gray Bros. on their contract to put down an artesian well at the Hospital for the Insane at Jamestown,

Which motion prevailed, and

Mr. Speaker appointed as such Committee, Messrs. Kearney, Oliver and Thompson.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. Lutz introduced—

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,

Which was read the first time.

Mr. Osgood introduced—

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid taxes,

Which was read the first time.

Mr. Loomis introduced—

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same,

Which was read the first time.

Mr. Burke introduced—

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

Which was read the first time.

Mr. Richie introduced—

House Bill No. 13,

A bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890,

Which was read the first time.

Also,

House Bill No. 14,

A bill for an act to amend Section 55 of Chapter 132 of the Laws of 1890,

Which was read the first time.

Also

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

Which was read the first time.

Also

House Bill No. 16,

A bill for an act to amend Section 29 of Chapter 132 of revenue law of 1890,

Which was read the first time.

Also

House Bill No. 17,

A bill for an act to provide for the discharge of chattel mortgages.

Which was read the first time.

Mr. Gill introduced (by request)—

House Bill No. 18,

A bill for an act to amend Section 45 of Chapter 62 of Session Laws of 1890,

Which was read the first time.

Mr. White moved

That five assistant enrolling and engrossing clerks be appointed, Which motion prevailed, and

Mr. Speaker appointed as such assistant enrolling and engrossing clerks W. C. Herron, Edward Murphy, J. J. Clark, Carl Bothne, R. D. Glassgow and J. D. Pierce.

Mr. Gill moved

That the House do now adjourn.

Mr. McKendry moved

That when the House adjourns it be to take a recess until Monday, January 12th at 2 o'clock p. m.,

Which motion prevailed.

Mr. Gill moved

To reconsider the vote by which the Chief Clerk was instructed to secure six copies of the Compiled Laws,

Which motion prevailed.

Mr. Gill moved

That the Chief Clerk be instructed to request the Secretary of State to furnish a copy of the Compiled Laws and Session Laws of 1889 and 1890 for each member.

Mr. McCulloch moved

To amend the motion to provide for only one copy of the Compiled Laws for each double desk.

Mr. Gill withdrew his motion.

Mr. Gill moved

That the Chief Clerk be instructed to secure sixty-two copies of the Compiled Laws of 1887 and Session Laws of 1889 and 1890, for the use of members.

Which motion prevailed.

Mr. Brooke moved

That it be declared the sense of the House that the Session Laws and Compiled Laws be returned to the Secretary of State at the close of the session.

Roll call demanded,

The roll being called there were ayes, 37; nays, 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fay,	Noltmier,
Bjornson,	Fiske,	Oliver,
Brooke,	Foss,	Peterson,
Brown,	Graber,	Richie,
Burke,	Hanson,	Satterlund,
Burton,	Hill,	Skinner,
Colosky,	Hodgson,	Strom,
Cunningham,	Holte,	Wallen,
Davis,	Holritz,	Walton,
Dennett,	Kearney,	Ward,
Douglas,	Lamb,	Yegeu,
Ebbighausen,	Larson,	Mr. Speaker.
Farrah,	McCulloch,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Peabody,
Christianson,	Havrevold.	Smith,
Cope,	Horgan,	Triplett,
Daily,	Loomis,	Tufts,
Daniels,	Loring,	Watson,
Erickson,	Lutz,	White,
Gill,	McKendry,	Williams.
Haight,	Osgood,	

Mr. Thompson being absent and not voting.

And so the motion prevailed.

Mr. Burton moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 12, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

MOTIONS AND RESOLUTIONS.

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

Resolved. That a committee of five be appointed by the Speaker to act with a like committee from the Senate, to inquire what rooms are necessary to accommodate the several standing committees of the Senate and House, and to ascertain when and at what rental expense the same can be provided, such committee to report at the regular session to-morrow.

Which motion prevailed, and

The resolution was adopted.

Mr Loring moved

That a committee of nine on rules be appointed, with instructions to report as soon as possible,

Which motion prevailed.

Mr. Gill offered the following resolution:

Resolved. That the contests for member of this House, certified by the Secretary of State be referred to the Committee of the Whole House, and that the case of Philbrick vs. Yegen be made the special order for 7:30 o'clock this evening.

Mr. Burton moved

To adopt the resolution,

Which motion was lost, and

The resolution was lost.

Mr Beardsley moved

That the contests be referred to the Committee on Elections,

Which motion prevailed.

Mr. Gill offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring: That a committee of five be appointed by the Speaker of the House and the President of the Senate, consisting of three from the House and two from the Senate, three of whom shall be farmers, one a lawyer and one a merchant. Said committee shall have power to send for books, papers and persons, and shall fully investigate and report at as early a day as possible upon the following:

The actual original cost and the actual present value of all railroads, including road-bed, right of way and rolling stock, in the State of North Dakota, and the amount of present taxes of said railroads.

Mr. Walton moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Oliver presented the following memorial:

A MEMORIAL

To Congress, requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 135 north, of range 56 west of the 5th principal meridian, to the Soldiers' Home at the city of Lisbon; and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Soldiers' Home.

Be it Resolved by the House of Representatives, the Senate Concurring: That a properly certified and attested copy of the following memorial be forwarded to our Representative and Senators in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with this memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in towuship 135 north, of range 56 west of the 5th principal meridian, to the Soldiers' Home, at the city of Lisbon, in said county; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so donated and granted to said Soldiers' Home.

Mr. Oliver moved
To adopt the memorial,
Which motion prevailed, and
The memorial was adopted.

Mr. Dennett offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Resolved, by the House of Representatives, the Senate concurring, That a Joint Committee of seven be appointed, four from the House, to be chosen by the Speaker, three from the Senate, to be chosen by the President of that body, for the purpose of investigating the financial standing of the farmers of the different counties of North Dakota, in order that by these means the Legislature may arrive at an intelligent understanding of the financial position of the people of this State.

That the Commissioner of Agriculture and Labor be, *ex-officio*, an additional member of this committee.

Which motion prevailed, and
The concurrent resolution was adopted.

Mr. Speaker appointed as the Committee on Committee Rooms, Messrs. Strom, Oliver and Cope.

Mr. Speaker appointed as the Committee on Rules, Messrs. Loring, Fay, Foss, Oliver, Gill, Burke, Strom, Dennett and Williams.

Mr. Axvig offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Requesting Congress to pass a joint resolution introduced by Representative Hansbrough on the 4th day of December, 1890, appropriating \$500,000 to be expended by direction of the Secretary of Agriculture in the purchase of seed wheat for the benefit of those residents of the State of North Dakota who lost their crops by reason of the drouth of 1890.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

WHEREAS, Many of the residents of the State of North Dakota living outside of the Red river valley, in said State, have lost their crops for the last two or three years, but more particularly during the year 1890, by reason of drouth and other climatic influences, and

WHEREAS, By reason of said loss of crops said residents or many of them are unable to procure the necessary seed grain wherewith to sow their land prepared for the season of 1891, and

WHEREAS, The several counties, or many of them, wherein said residents reside, being bonded nearly or up to the limit of indebtedness prescribed by law, are unable for said reason to assist their said residents in procuring the necessary seed grain, and

WHEREAS, The State of North Dakota, for various reasons, among others that it is doubted whether or not said State has any authority to render said needed assistance, even were it in a position so to do; therefore, be it

Resolved by the House of Representatives, the Senate Concurring: That Congress be requested to take prompt act in the passage of said Joint Resolution No. —, as set forth in the preamble in order that the necessary steps be taken in time to furnish said needy residents with such amount of seed grain as may be required before seeding time of the crop for the season of 1891; and,

Resolved. That the Secretary of State be instructed to furnish each of our Senators and Representative in Congress with a copy of this Memorial and Concurrent Resolution forthwith upon its passage.

Mr. Lutz moved
To adopt the resolution,
Which motion prevailed, and
The Concurrent Resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McKendry introduced—
House Bill No. 19,

A bill for an act authorizing the judges of county courts in case of deceased persons when the estate in value does not exceed \$500, to summarily close up the same.

Which was read the first time.

Mr. Loring introduced—

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy,

Which was read the first time.

Also,

House Bill No. 21,

A bill for an act to amend Section 5 of Chapter 127 of the Laws of North Dakota for 1890,

Which was read the first time.

Also,

House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890.

Which was read the first time.

Mr. Holritz introduced—

House Bill No. 23,

A bill for an act relating to the use of native coal in all State institutions,

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 24,

A bill for an act to provide indemnity for damage to grain by hail.

Mr. Lutz moved

That the first reading of House Bill No. 24 be deferred until the same shall be printed;

Which motion prevailed.

Mr. Ward introduced—

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 26,

A bill for an act authorizing the Governor, Secretary of State and Auditor, the commission in charge of the Capitol building, to provide necessary furniture for the Legislative Assembly, and making an appropriation therefor,

Which was read the first time.

Mr. Oliver moved

That the rules be suspended and that the bill be read a second time by its title and made a Special Order for 4 o'clock to-day,

Which motion prevailed, and

House Bill No. 26 was read the second time, and referred to the Committee of the Whole and made a Special Order for 4 o'clock this afternoon.

Mr. Skinner introduced—

House Bill No. 27,

A bill for an act to repeal Section 27 of Chapter 23, Laws of 1890, approved February 20, 1890,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135, north of range 56, west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

Which was read the first time.

Mr. Erickson introduced—

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

Which was read the first time.

Mr. Richie introduced—

House Bill No. 30,

A bill for an act to fix the salaries of county officers,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Which was read the first time.

Mr. Fay introduced—

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An act relating to marriage and providing licenses,"

Which was read the first time.

Also,

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

Which was read the first time.

Also, (by request),

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

Which was read the first time.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Fay introduced—

House Bill No. 35,

A bill for an act to revise the law in relation to justices and constables in civil cases.

Mr. Fay moved

That the further reading of House Bill No. 35 be deferred until the same shall be printed,

Which motion prevailed.

Also,

House Bill No. 36,

A bill for an act to foster and encourage irrigation by exempting certain property from taxation,

Which was read the first time.

Also,

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

Which was read the first time.

Also, (by request)

House Bill No. 38,

A bill for an act creating a landlord's lien and providing for its enforcement,

Which was read the first time.

Also,

House Bill No. 39,

A bill for an act to apportion this State into senatorial districts and fix the number of Senators and Representatives in the Legislative Assembly,

Which was read the first time.

Mr. Holritz introduced—

House Bill No. 40,

A bill for an act preventing the setting of fires by railroads operated by steam power.

Which was read the first time.

Mr. Gill introduced—

House Bill No. 41,

A bill for an act to authorize the county commissioners of any county to cancel taxes of persons suffering from loss by hail or cyclone,

Which was read the first time.

Mr. Oliver (by unanimous consent) offered the following resolution and moved its adoption:

Be it Resolved by the House, That the Sergeant-at-Arms is hereby instructed to procure keys and proper locks for the members' and clerks' desks.

Which motion prevailed, and
The resolution was adopted.

Mr. Brooke moved
That the Chief Clerk be instructed to have 100 copies of House
Bills Nos. 2 and 7 printed,
Which motion prevailed.
The Speaker announced an informal recess.
House reassembled.

SPECIAL ORDERS.

Mr. Oliver moved
That the House do now resolve itself into Committee of the
Whole for the purpose of considering House Bill No. 26, made a
special order for 4 o'clock,
Which motion prevailed, and
Mr. Speaker called Mr. Oliver to the chair.
When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 26,

A bill for an act authorizing the Governor, the Secretary of
State and Auditor, the commission in charge of the Capitol Build-
ing, to provide necessary furniture for the Legislative Assembly
and making an appropriation therefor,
And recommend that the bill do pass.

H. S. OLIVER,
Chairman.

Mr. Speaker called Mr. Gill to the Chair.

Mr. Strom moved
To adopt the report of the Committee of the Whole,
Which motion prevailed, and
The report was adopted.

Mr. Speaker announced an informal recess.
House reassembled.

Mr. Speaker appointed as the standing Committee on Elec-
tions and Privileges, Messrs. Strom, Skinner, Colosky, Haight,
Fiske, Holte, Horgan, Cope and Williams.

Mr. Gill moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 13, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Mr. Hall, excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 13, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith a Concurrent Resolution for

A MEMORIAL

To Congress, requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36 in township 133 north of range 48 west of the 5th principal meridian, to the Academy of Science, at the city of Wahpeton, Richland county; and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Academy of Science.

Be it resolved by the Senate, the House of Representatives concurring: That a properly certified and attested copy of the following memorial be forwarded to our Representative and Senators in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with this memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the

act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 133, north of range 48, west of the 5th principal meridian, to the Academy of Science at the city of Wahpeton, in said Richland county; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so donated and granted to said Academy of Science.

Which the Senate has passed, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Rules submitted the following report:

MR. SPEAKER:

Your Committee on Rules beg leave to recommend the following:

That the rules of the First Session of the House of Representatives of the State of North Dakota be adopted with the following amendments:

1. That Rule 39 be amended by striking out the word "second" in the fourth line and inserting in lieu thereof the word "following."
2. That Rule 40 be amended by increasing the number on the Committee of Appropriations from 9 to 13.
3. Amend Rule 46 by adding after the words "ex-members of the Legislative Assemblies" "delegates to the State Constitutional Convention."

All of which is respectfully submitted.

G. K. LORING,
Chairman.

Mr. Foss moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Committee Rooms submitted the following report:

MR. SPEAKER:

Your committee to whom was referred the matter of selecting committee rooms beg leave to report that we have conferred with a like committee appointed by the Senate, and have secured five rooms over the Capital National bank, the same to be used jointly by the two houses; the rooms to be heated and lighted for \$200 for the session.

H. S. OLIVER,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Special Committee on Gray Bros.' bond for artesian well at the Insane Hospital at Jamestown submitted the following report:

MR. SPEAKER:

Your Special Committee to obtain the Gray Bros.' contract and bond for sinking an artesian well at the Asylum for the Insane at Jamestown, respectfully submit the following report:

Said bond could not be obtained in the Secretary of State's office, but we were referred to the Asylum, where it had been kept in a file known and filed as the Hodghip and Gray Bros.' contracts, from which file the Gray Bros.' bond has been abstracted and could not be obtained. We found a copy of both bond and contract, which the party that copied them will qualify to as being verbatim, word for word, with the original, which we submit with this report.

Your committee would recommend that a joint committee of five, three from the House and two from the Senate, be appointed to investigate further and report at as early a date as possible.

All of which is respectfully submitted.

E. T. KEARNEY,
H. S. OLIVER,
L. THOMPSON,
Committee.

Mr. Hill moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

MOTIONS, RESOLUTIONS, ETC.

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

WHEREAS, The members of this House have heard with regret the sad affliction which has come upon one of their colleagues, the Hon. M. N. Triplett, in the death of his father, therefore, be it

Resolved, That the members of this House express their condolence and sympathy with him.

Which motion prevailed, and
The resolution was adopted.

STANDING COMMITTEES.

The Speaker announced the following Standing Committees:

STANDING COMMITTEES.

RULES—G. K. Loring, George W. Fay, A. N. Foss, H. S. Oliver, J. C. Gill, John Burke, H. H. Strom, Fred Dennett, M. F. Williams.

JUDICIARY—George H. Fay, J. V. Brooke, A. L. Loomis, H. S. Oliver, C. J. Christianson, Fred Dennett, John S. Richie, A. N. Foss, G. G. Beardsley, J. W. Cope, K. Peabody, D. C. Tufts, Arne Bjornson, C. A. Burton, John Burke.

WAYS AND MEANS—J. C. Christianson, G. G. Beardsley, H. S. Oliver, O. S. Wallen, L. P. Havrevold, W. J. Skinner, William McKendry, J. O. Lamb, Geo. Lutz, D. C. Cunningham, James Douglas.

RAILROADS—A. N. Foss, Louis Thompson, H. H. Strom, George Osgood, C. A. Burton, L. S. Hill, John Richie, Frank White, E. H. Holte, Charles A. Erickson, H. A. Noltimier, George H. Fay, J. W. Cope, M. F. Williams, W. T. McCulloch.

APPROPRIATIONS—G. G. Beardsley, M. N. Triplett, Frank M. White, A. L. Loomis, H. H. Strom, Wm. Oscar Ward, John S. Richie, H. A. Noltimier, Geo. Lutz, H. S. Oliver, Fred Dennett, William McKendry, George H. Fay.

ENGROSSMENT—John Burke, Joseph Colosky, O. S. Wallen, D. C. Tufts, John Yegen, A. Hanson, Patrick Horgan, Arne Bjornson, W. H. Daniels.

ENROLLMENT—H. A. Noltimier, Joseph Colosky, C. J. Christianson, Chas. A. Erickson, A. N. Foss, Charles Fiske, S. L. Haight, E. E. Daily, D. C. Cunningham.

EDUCATION—C. A. Burton, F. M. White, John E. Hodgson, O. S. Wallen, H. M. Peterson, Arne Bjornson, George K. Loring, M. N. Triplett, E. E. Daily.

ELECTIONS AND PRIVILEGES—H. H. Strom, William J. Skinner, Joseph Colosky, S. L. Haight, Charles Fiske, E. H. Holte, Patrick Horgan, J. W. Cope, M. F. Williams.

MUNICIPAL CORPORATIONS—George Lutz, G. G. Beardsley, J. C. Gill, Fred Holritz, Charles Fiske, John Yegen, E. E. Daily, E. T. Kearney, D. C. Cunningham.

CORPORATIONS OTHER THAN MUNICIPAL—G. N. Smith, J. Moody Watson, W. J. Skinner, D. C. Tufts, John Satterlund, J. P. Lamb, J. A. Farrah, M. N. Triplett, W. H. Daniels.

AGRICULTURE—O. S. Wallen, George Osgood, D. C. Tufts, J. A. Davis, Andrew Hanson, L. P. Havrevold, P. S. Larson, D. C. Cunningham, John Yegen.

PUBLIC PRINTING—H. M. Peterson, Geo. Osgood, W. H. Daniels, W. H. Brown, Arne Bjornson, Charles Fiske, John Yegen, P. S. Larson, E. T. Kearney.

IRRIGATION—John S. Richie, L. L. Walton, H. A. Noltimier, Geo. K. Loring, Charles Ebbighausen, Wm. T. McCulloch, Ralph Hall, J. V. Brooke, K. Peabody.

INSURANCE—J. C. Gill, C. J. Christianson, Fred Holritz, O. S. Wallen, Jacob Graber, E. H. Holte, H. S. Oliver, Patrick Horgan, James V. Brooke.

BANKING—H. S. Oliver, J. C. Gill, Geo. H. Fay, Fred Holritz, J. P. Lamb, Geo. Lutz, M. N. Triplett, M. F. Williams, C. J. Christianson.

LABOR—E. H. Holte, Jacob Graber, S. L. Haight, L. C. Hill, J. Moody Watson, Wm. Oscar Ward, J. A. Douglas, Ole Axvig, W. T. McCulloch.

IMMIGRATION—Louis Thompson, S. L. Haight, Andrew Hanson, Jacob Graber, L. C. Hill, J. C. Gill, K. Peabody, Geo. Lutz, Ralph Hall.

APPORTIONMENT—Arne Bjornson, Jacob Graber, A. N. Foss, E. E. Daily, C. A. Burton, Jos. Colosky, W. H. Brown, O. S. Wallen, A. L. Loomis, E. H. Holte, J. C. Gill, J. W. Cope, J. E. Hodgson, H. S. Oliver, F. M. White, W. J. Skinner, J. P. Lamb, Fred Dennett, John Burke, L. P. Havrevold, H. A. Noltimier, L. L. Walton, Geo. Lutz, Geo. K. Loring, John S. Richie, Geo. H. Fay, Wm. O. Ward, J. A. Davis, John Satterlund, Fred Holritz, J. A. Farrah.

SCHOOL AND PUBLIC LANDS—A. L. Loomis, H. M. Peterson, K. Peabody, G. N. Smith, Louis Thompson, Wm. Oscar Ward, L. L. Walton, John Satterlund, Ole Axvig.

PUBLIC HEALTH—M. N. Triplett, W. H. Brown, Wm. McKendry, A. L. Loomis, Andrew Hanson, Jos. Colosky, Ralph Hall, E. E. Daily, John Burke.

MILITARY AFFAIRS—W. H. Brown, Geo. H. Fay, J. A. Davis, F. M. White, L. L. Walton, Jacob Graber, J. W. Cope, E. T. Kearney, Wm. McKendry.

WAREHOUSES, GRAIN GRADING AND DEALING—D. C. Tufts, J. P. Lamb, Fred Dennett, G. N. Smith, J. E. Hodgson, C. J. Christianson, Andrew Hanson, W. J. Skinner, Charles Ebbighausen, Jos. Colosky, Geo. Osgood, J. Moody Watson, J. A. Douglas, E. T. Kearney, Patrick Horgan.

FEDERAL RELATIONS—Andrew Hanson, Geo. Osgood, G. N. Smith, H. M. Peterson, L. P. Havrevold, Wm. O. Ward, J. Moody Watson, Charles Ebbighausen, J. V. Brooke.

MINES AND MINING—Fred Holritz, John Satterlund, J. A. Davis, K. Peabody, Charles Fiske, H. M. Peterson, Ralph Hall, W. H. Daniels, J. A. Farrah.

TEMPERANCE—L. C. Hill, C. A. Burton, H. H. Strom, A. N. Foss, D. C. Tufts, W. T. McCulloch, H. A. Noltimier, John Richie, M. F. Williams.

HIGHWAYS, BRIDGES AND FERRIES—Charles A. Erickson, J. Moody Watson, George Osgood, Wm. O. Ward, Fred Holritz, K. Peabody, E. T. Kearney, Ralph Hall, P. S. Larson.

STATE AFFAIRS—Fred Dennett, John S. Richie, George K. Loring, G. N. Smith, H. H. Strom, H. A. Noltimier, P. S. Larson, Ole Axvig, J. A. Davis.

SUPPLIES AND EXPENDITURES—W. J. Skinner, W. H. Brown, Louis Thompson, S. L. Haight, Wm. McKendry, G. G. Beardsley, E. E. Daily, M. F. Williams, Ole Axvig.

FORESTRY—John Satterlund, J. A. Davis, George K. Loring, Wm. T. McCulloch, Charles Ebbighausen, D. C. Cunningham, P. S. Larson, Charles Fiske, J. C. Gill.

PUBLIC DEBT—L. L. Walton, O. S. Wallen, G. N. Smith, Charles Ebbighausen, Jos. Colosky, H. S. Oliver, Charles A. Erickson, J. V. Brooke, W. H. Daniels.

COUNTIES AND COUNTY BOUNDARIES—Charles Fiske, H. H. Strom, S. L. Haight, W. J. Skinner, Charles A. Erickson, Jos. Colosky, P. S. Larson, Ralph Hall, J. A. Farrah.

TAXATION AND TAX LAWS—George Osgood, F. M. White, Fred Dennett, W. H. Brown, Charles A. Erickson, Charles Fiske, Wm. T. McCulloch, John Burke, J. A. Douglas.

WOMAN SUFFRAGE—J. P. Lamb, E. H. Holte, P. L. Havrevold, G. N. Smith, G. G. Beardsley, Arne Bjordson, D. C. Cunningham, Fred Dennett, J. A. Farrah.

MANUFACTURES—L. P. Havrevold, Wm. McKendry, O. S. Wallen, J. Moody Watson, L. L. Walton, John Yegen, J. W. Cope, J. A. Douglas, P. S. Larson.

COAL LANDS AND MINING—J. A. Davis, Fred Holritz, Wm. McKendry, George K. Loring, W. H. Brown, Patrick Horgan, J. A. Farrah, Ralph Hall, John Satterlund.

JOINT STANDING COMMITTEES.

PUBLIC BUILDINGS—G. G. Beardsley, M. N. Triplett, C. J. Christianson, A. L. Loomis, George Lutz, H. H. Strom, Wm. O. Ward, John S. Richie, H. A. Noltimier.

CHARITABLE INSTITUTIONS—J. V. Brooke, Jacob Graber, E. H. Holte, J. Moody Watson, A. L. Loomis, George Lutz, Patrick Horgan, E. T. Kearney, John Yegen.

PENAL INSTITUTIONS—Wm. O. Ward, Wm. McKendry, George Osgood, L. P. Havrevold, J. E. Hodgson, H. M. Peterson, D. C. Cunningham, W. J. Skinner, Ralph Hall.

EDUCATIONAL INSTITUTIONS—F. M. White, C. A. Burton, Andrew Hanson, J. E. Hodgson, Arne Bjornson, E. E. Daily, O. S. Wallen, J. W. Cope, M. N. Triplett.

STATE LIBRARY—George Osgood, K. Peabody, Louis Thompson, John Yegen, L. C. Hill, J. V. Brooke, W. H. Daniels, Charles Erickson, S. L. Haight.

JOINT RULES—G. K. Loring, George H. Fay, A. N. Foss, H. S. Oliver, J. C. Gill, H. H. Strom, John Burke, J. V. Brooke, M. F. Williams.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Holritz introduced—

House Bill No. 42,

A bill for an act making railroad companies liable for damages caused by fire,

Which was read the first time.

Also, (by request),

House Bill No. 43,

A bill for an act in relation to practice in the district courts of the State,

Which was read the first time.

Mr. Beardsley introduced—

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law,

Which was read the first time.

Mr. Douglas introduced—

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Which was read the first time.

Also, (by request),

House Bill No. 46,

A bill for an act to cover into the State Treasury all fees and profits arising from any State office,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Oliver moved

To adopt the Senate Memorial requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 133, north of range 48, west of the 5th principal meridian to the Academy of Science at Wahpeton, etc.,

Which motion prevailed, and

The Memorial was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 1,

A bill for an act to provide for the maintenance of the Deaf and Dumb Asylum at Devils Lake, and to provide for the payment of the salary of the superintendent,

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

House Bill No. 3,

A bill for an act to amend Section 81 of Chapter 62 of School Laws of 1890,

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

House Bill No. 4,

A bill for an act to provide for the protection and regulation of primary elections.

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

House Bill No. 5,

A bill for an act to relieve counties from liability to the State for certain uncollectible Territorial and State taxes,

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

House Bill No. 6,

A bill for an act repealing an act entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

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

House Bill No. 7,

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

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

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, A. D. 1877,

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

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,

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

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid taxes,

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

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same,

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

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

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

House Bill No. 13,

A bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890,

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

House Bill No. 14,

A bill for an act to amend Section 55 of Chapter 132 of the Laws of 1890,

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

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

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

House Bill No. 16,

A bill for an act to amend Section 29 of Chapter 132 of revenue law of 1890,

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

House Bill No. 17,

A bill for an act to provide for the discharge of chattel mortgages.

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

House Bill No. 18,

A bill for an act to amend Section 45 of Chapter 62 of Session Laws of 1890,

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

House Bill No. 19,

A bill for an act authorizing the judges of county courts in case

of deceased persons when the estate in value does not exceed \$500, to summarily close up the same.

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

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy,

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

House Bill No. 21,

A bill for an act to amend Section 5 of Chapter 127 of the Laws of North Dakota for 1890,

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

House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890.

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

House Bill No. 23,

A bill for an act relating to the use of native coal in all State institutions,

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

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

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

House Bill No. 27,

A bill for an act to repeal Section 27 of Chapter 23, Laws of 1890, approved February 20, 1890,

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

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135, north of range 56, west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

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

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

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

House Bill No. 30,

A bill for an act to fix the salaries of county officers,

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

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

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

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An act relating to marriage and providing licenses,"

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

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

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

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

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

House Bill No. 36,

A bill for an act to foster and encourage irrigation by exempting certain property from taxation,

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

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

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

House Bill No. 38,

A bill for an act creating a landlord's lien and providing for its enforcement,

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

House Bill No. 39,

A bill for an act to apportion this State into senatorial dis-

tricts and fix the number of Senators and Representatives in the Legislative Assembly,

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

House Bill No. 40,

A bill for an act preventing the setting of fires by railroads operated by steam power.

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

House Bill No. 41,

A bill for an act to authorize the county commissioners of any county to cancel taxes of persons suffering from loss by hail or cyclone,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 26,

A bill for an act authorizing the Governor, Secretary of State and Auditor, the commission in charge of the Capitol building, to provide necessary furniture for the Legislative Assembly, and making an appropriation therefor,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 19, nays 41.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Dennett,
Gill,
Holte,
Holritz,
Loomis,
Loring,

Messrs—

McKendry,
Oliver,
Osgood,
Peterson,
Skinner,
Smith,

Messrs—

Triplett,
Tufts,
Ward,
Watson,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniels,
Davis,
Douglas,

Messrs—

Ebbighausen,
Erickson,
Farrar,
Fay,
Fiske,
Foss,
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Horgan,
Kearney,

Messrs—

Lamb,
Larson,
Lutz,
McCulloch,
Noltmier,
Peabody,
Richie,
Satterlund,
Thompson,
Wallen,
Walton,
White,
Williams.

Messrs. Hall and Strom being absent and not voting,

Mr. Hall being excused.

So the bill was lost.

Mr. Speaker announced an informal recess.

House re-assembled.

Mr. Lutz (by unanimous consent) offered the following resolution and moved its adoption:

WHEREAS, The industry of sheep-raising is deserving of special attention on the part of the Legislative Assembly; therefore, be it

Resolved, That a Standing Committee on sheep-husbandry, consisting of nine members, be added to the committees already provided for by the rules of this House.

Which motion prevailed, and

The resolution was adopted.

Mr. Lutz moved that

House Bill No. 9

Be recalled from the Committee on State Affairs and referred to the Committee on Sheep-Husbandry,

Which motion prevailed.

Mr. Oliver (by unanimous consent) offered the following resolution and moved its adoption:

Resolved, That the Secretary of State be requested to furnish to the clerk of the Judiciary Committee three copies of the Compiled Laws and three each of the Session Laws of 1889 and 1890 for use of House Committee rooms.

Which motion prevailed, and

The resolution was adopted.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 14, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The journal of the previous day was read, and

Mr. Foss moved

That the reading of the standing committee be dispensed with,
Which motion prevailed, and

The Journal was then corrected to show that House Bills Nos. 3, 18 and 27 were referred to the Judiciary Committee for correction.

Mr. Oliver moved

That the Journal, as corrected, be approved,

Which motion prevailed, and

The Journal, as corrected, was approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 20,

A bill for an act providing for the establishment of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education,

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

Also,

That the Senate has concurred in the Memorial to Congress re-

questing the passage of an act to donate section 36, in township 135 north, of range 56 west, to the Soldiers' Home.

Also,

That the Senate has concurred in the Memorial and Concurrent Resolution requesting Congress to pass a joint resolution introduced by Representative Hansbrough on the 4th day of December, 1890, appropriating \$500,000 to be expended by direction of the Secretary of Agriculture in the purchase of seed wheat for the benefit of those residents in the State of North Dakota who lost their crops by reason of the drouth of 1890, with the following amendment:

Strike out the words "living outside of the Red River valley in said State."

Also, to transmit

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883,

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

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

BISMARCK, NORTH DAKOTA,
January 14, 1891.

To the Honorable Speaker and House of Representatives:

GENTLEMEN: In reply to your query relative to the expiration of the term of office of the county auditors throughout the State, I would respectfully submit the following answer:

First. In my opinion the Constitution and Laws of 1890 do not repeal the laws under which the county auditors were elected or appointed.

Second. In my judgment the terms of all of the county auditors throughout the State expire the first Monday in March, 1891.

C. A. M. SPENCER,
Attorney General.

REPORTS OF STANDING COMMITTEES.

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. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west of the 5th principal meridian, being in the county of Ramsey and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

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

A. L. LOOMIS,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Resolved. That the press tables at the left of the Chief Clerk's desk be supplied with files of the Journals and House and Senate bills.

Mr. Oliver moved

To amend the resolution by striking out the words "at the left of the Chief Clerk's desk,"

Which amendment was accepted, and

The resolution as amended was adopted.

Mr. Brooke offered the following resolution:

Resolved. That the Secretary of State is hereby instructed to furnish three copies of the Session Laws of 1889-90 and the Compiled Laws of 1887, for the use of the House Judiciary Committee. In case the Secretary has not any or all of these books, he is hereby authorized to purchase a sufficient number to make up the complement required by this resolution.

Mr. Oliver moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

FIRST READING OF SENATE BILLS.

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883,

Was read the first time.

Senate Bill No. 20,

A bill for an act providing for the establishment of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education,

Was read the first time.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McKendry introduced—

House Bill No. 47,

A bill for an act to amend Section 2366, as found in the Compiled Laws of 1887,

Which was read the first time.

Mr. Loomis introduced—

House Bill No. 48,

A bill for an act to cede to the government of the United

States exclusive jurisdiction over lands acquired for uses and purposes of the Federal Government,
Which was read the first time.

Mr. Gill introduced—

House Bill No. 49,

A bill for an act for the protection of game,

Which was read the first time.

Mr. Douglas introduced—

House Bill No. 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public lands,

Which was read the first time.

Mr. Richie introduced—

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

Which was read the first time.

Mr. Holritz introduced—

House Bill No. 52,

A bill for an act for the prevention of prairie fires and to provide against damage being done by them,

Which was read the first time.

Mr. Burke introduced—

House Bill No. 53,

A bill for an act to amend Section 619 of the Compiled Laws of the State of North Dakota,

Which was read the first time.

Mr. Foss introduced—

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66 of the Session Laws of 1890,

Which was read the first time.

Mr. Richie introduced—

House Bill No. 55,

A bill for an act to provide for the establishment and location of an industrial school of manual training at the city of Ellendale, county of Dickey, and State of North Dakota, agreeable to the provisions of the third sub-division of Section 126, of the Constitution of this State,

Which was read the first time.

Mr. Tufts introduced—

House Bill No. 56,

A bill for an act to repeal Chapter 138, Laws of 1890, approved March 31, 1890,

Which was read the first time.

Mr. Fay introduced—

House Bill No. 57,

A bill for an act to provide clerks of the county courts,
Which was read the first time.

Also,

House Bill No. 58,

A bill for an act for the protection of bank depositors,
Which was read the first time.

FIRST READING OF HOUSE BILLS.

House Bill No. 24,

A bill for an act to provide indemnity for damage to grain by
hail,

Was read the first time.

House Bill No. 2,

A bill for an act to secure more fully the independence of elec-
tors at public elections, to enforce the secrecy of the ballot and
to provide for the printing and distribution of ballots at the pub-
lic expense in the State of North Dakota,

Was read the first time.

Mr. Speaker appointed as the standing Committee on Sheep
Husbandry,

Messrs. Davis, Lutz, Gill, Hodgson, Richie, Hanson, Farrah,
Hall and Larson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,)
January 14, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in
township 140 of range 49 west, in the county of Cass, for the use
of the State Agricultural College, as a site for that institution,

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

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 138,
north of range 56, west of the 5th principal meridian, being in
the county of Ransom and State of North Dakota, to the Soldiers'
Home located at the city of Lisbon in said Ransom county,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

As the House members of the Joint Committee to further investigate the Gray Bros.' contract and bond for sinking an artesian well at the insane hospital at Jamestown, Mr. Speaker designated Messrs. Kearney, Oliver and Thompson.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Brooke was excused for the rest of the afternoon session.

Mr. Burton moved

That fifty extra copies of House Bill No. 50 be printed for the use of the Superintendent of Public Instruction.

Mr. Lutz moved

To amend the motion by adding the words "also 100 extra copies of House Bill No. 24 for the use of members,"

Which amendment was accepted, and

The original motion as amended prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 42.

A bill for an act making railroad companies liable for damages caused by fire.

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

House Bill No. 43,

A bill for an act in relation to practice in the district courts of the State,

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

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer, to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the State of North Dakota and South Dakota, appointed pursuant to law,

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

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

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

House Bill No. 46,

A bill for an act to cover into the State Treasury all fees and profits arising from any State office,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135, north of range 56, west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the soldiers' home located at the city of Lisbon in said Ransom county,

Was read the third time, and placed upon its final passage, and The question being on the passage of the bill The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Peabody,
Beardsley,	Havrevold.	Peterson,
Bjornson,	Hill,	Richie,
Brown,	Hodgson,	Satterlund,
Burke,	Holte,	Skinner,
Burton,	Holritz,	Smith,
Christianson,	Horgan,	Strom,
Colosky,	Kearney,	Thompson,
Cope,	Lamb,	Triplett,
Cunningham,	Larson,	Tufts,
Dennett,	Loomis,	Wallen,
Erickson,	Loring,	Walton,
Fay,	Lutz,	Ward,
Fiske,	McCulloch,	Watson,
Foss,	McKendry,	White,
Gill,	Noltimer,	Williams,
Graber,	Oliver,	Yegen,
Haight,	Osgood,	Mr. Speaker.
Hall,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Davis,	Ebbighausen,
Daily,	Douglas,	Farrah.
Daniels,		

Mr. Brooke being excused.

And so the bill passed, and the title was agreed to.

Mr. Oliver moved

That the House return to the consideration of messages from the Senate,

Which motion prevailed, and

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College as a site for that institution,

Was read the first time, and

Mr. Oliver moved

That the rules be suspended and that

Senate Bill No. 1

Be now read the second time by title and referred to its appropriate committee,

Which motion prevailed, and
Senate Bill No. 1

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

Mr. White moved

That the consideration of the House Memorial praying Con-
gress to pass the bill appropriating \$500,000 to purchase seed
wheat for the needy farmers of North Dakota be postponed until
the same shall be sent down from the Senate,

Which motion prevailed.

Mr. Oliver moved

That the Secretary of the Senate be requested to send down the
Memorial,

Which motion prevailed.

Mr. Strom moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 15, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Fiske moved

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

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Fiske, Hill and Beardsley.

The courtesies of the floor were extended to the Hon. P. H. Rourke and Hon. Judge D. E. Morgan.

REPORTS OF STANDING COMMITTEES.

The Committee on School and Public Lands made the following report:

MR. SPEAKER:

Your Committee on School and Public Lands to whom was referred

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College as a site for that institution,

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

A. L. LOOMIS,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

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

FRED DENNETT,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committee on Committee Rooms made the following report:

MR. SPEAKER:

Your committee to whom was referred the matter of procuring committee rooms would beg leave to report that we have procured three rooms over the First National Bank, at a monthly rental of \$32; that we have rented stoves for said rooms for \$14 for the session.

H. S. OLIVER,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

MOTIONS, RESOLUTIONS, ETC.

Mr. Fiske gave notice that he would move to-morrow to reconsider the vote by which

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west of the 5th principal meridian, being in the county of Ramsey and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

Was passed, and also introduced the following resolution:

Resolved, That the Attorney General be requested to give his opinion as to the possibility of diverting public school lands to other purposes under the Constitution.

Mr. Oliver moved
To lay the resolution upon the table,
Which motion prevailed, and
The resolution was laid upon the table.

Mr. Oliver moved

That the vote by which House Bill No. 28 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

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

Resolved, That the salary of Page F. J. Conway shall be the same and count from the same day as the salary fixed for the other Pages of this House.

Which motion prevailed, and
The resolution was adopted.

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

WHEREAS, A very large number of fatal explosions of petroleum lamps have lately been reported by the press as having occurred in this State, therefore, be it

Resolved, That his Excellency, the Governor, be respectfully asked to obtain and furnish to this House a report from the Oil Inspector, giving an account of the official work of the same.

Which motion prevailed, and
The resolution was adopted.

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

WHEREAS, There is no joint committee appointed on public printing; therefore,

Resolved, That the Speaker be and is hereby authorized to appoint a committee of five to act with a like committee of the Senate, to be known as a Joint Committee on Printing, whose duty it shall be to ascertain the cost of printing the Journals and Bills and other printing necessary, and to report the same to their respective bodies.

Which motion prevailed, and
The resolution was adopted.

Mr. Brooke presented the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

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

First. That the United States Senators of the State of North Dakota are hereby instructed and our representative in Congress requested to use every effort to secure a submission of an amendment to the United States Constitution, providing for the election of the President and Vice-President of the United States directly by the vote of the people.

Second. That the United States Senators of North Dakota are hereby instructed and our representative in Congress requested to secure an amendment of the Statute requiring United States Senators to be elected by the Legislatures of the different states, and providing in lieu thereof, that they be elected by the people of the several states.

Mr. Burke moved

That the consideration of the resolution be postponed until January 26th,

Which motion prevailed, and

The consideration of the Concurrent Resolution was postponed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Strom moved

That the House concur in the Senate amendment to the House Memorial, praying Congress to pass the bill appropriating \$500,-

000 to purchase seed wheat for the needy farmers of North Dakota,

Which motion prevailed, and

The Senate amendment was concurred in.

SECOND READING OF SENATE BILLS.

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883,

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

Senate Bill No. 20,

A bill for an act providing for the establishment of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College as a site for that institution.

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

The question being upon the final passage of the bill,

The roll being called there were ayes 47, nays 12.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Davis,
Erickson,
Fay,
Gill,
Graber,
Haight,
Hall,

Messrs—

Hanson,
Hill,
Holte,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Lutz,
McCulloch,
McKendry,
Noltmier,
Oliver,
Osgood,
Peabody,
Peterson,

Messrs—

Richie,
Satterlund,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker

Those who voted in the negative were:

Messrs—

Cope,
Cunningham,
Daily,
Daniels,

Messrs—

Douglas,
Ebbighausen,
Farrah,
Fiske,

Messrs—

Havrevold,
Horgan,
Loring,
Skinner.

Absent and not voting:

Messrs—
Dennett,

Messrs—
Foss,

Messrs—
Hodgson.

And so the bill passed, and the title was agreed to.

Mr. Gill moved

That the vote by which Senate Bill No 1 was passed be reconsidered and the motion to reconsider be laid upon the table,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 14, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 2,

A bill for an act regulating appeals from the District Courts to the Supreme Court and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887, also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

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

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced an informal recess.

House reassembled.

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

Be it Resolved, By the House that the Chief Clerk of the House be instructed to provide the committee rooms with tables, chairs, pens, paper, ink, House Bills and Journals.

Which motion prevailed, and
The resolution was adopted.

Mr. Richie offered the following resolution:

Resolved, That our sympathies are extended to our Messenger in his bereavement at the news of the death of his son.

Mr. Gill moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 47,

A bill for an act to amend Section 2366, as found in the Compiled Laws of 1887,

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

House Bill No. 48,

A bill for an act to cede to the government of the United States exclusive jurisdiction over lands acquired for uses and purposes of the Federal Government,

Was read the second time.

Mr. Loomis moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 49,

A bill for an act for the protection of game,

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

House Bill No. 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public lands,

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

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

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

House Bill No 52,

A bill for an act for the prevention of prairie fires and to provide against damage being done by them,

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

House Bill No. 53,

A bill for an act to amend Section 619 of the Compiled Laws of the State of North Dakota,

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

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66 of the Session Laws of 1890,

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

House Bill No. 55,

A bill for an act to provide for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, county of Dickey, and State of North Dakota, agreeable to

the provisions of the third sub-division of Section 126, of the Constitution of this State,

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

House Bill No. 56,

A bill for an act to repeal Chapter 138, Laws of 1890, approved March 31, 1890,

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

House Bill No. 57,

A bill for an act to provide clerks of the county courts,

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

House Bill No. 58,

A bill for an act for the protection of bank depositors,

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

House Bill No. 24,

A bill for an act to provide indemnity for damage to grain by hail,

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

House Bill No. 2,

A bill for an act to secure more fully the independence of electors at public elections, to enforce the secrecy of the ballot and to provide for the printing and distribution of ballots at the public expense in the State of North Dakota,

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

Mr. Kearney moved

That the House do now adjourn,

Which motion was withdrawn.

Mr. Oliver (by unanimous consent) introduced—

House Bill No. 59,

A bill for an act to authorize the county commissioners of the several counties in the State of North Dakota to designate depositories for the funds of their respective counties, and for other purposes relative thereto.

Which was read the first time.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 15,

A bill for an act to provide for transferring the tax sales rec-

ords from the county treasurer's office to the county auditor's office,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Kearney moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Speaker announced his signature to
Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College as a site for that institution.

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

The committee to examine and correct the Journal submitted the following report:

MR. SPEAKER:

Your committee appointed to correct the Journal of the House for the ninth day, find and report that the Journal is correct except that the word committee where it first occurs should read committees.

CHAS. FISKE,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 16, 1890. }

To the Speaker of the House of Representatives:

I have the honor to acknowledge the receipt of a resolution passed by the House of Representatives, requesting your Executive to obtain and transmit to your honorable body a report of the transactions of the office of State Oil Inspector.

Referring to the same, I beg leave to inform your honorable body that I have conferred with the State Oil Inspector respecting the subject of your resolution, and he has promised to deliver to this department, at the very earliest possible date, a report of the transactions of his office for the year.

Respectfully,

A. H. BURKE,
Governor.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

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

SECTION 1. That the following provisos be added to Section 1: "*Provided*, That the native coal can be purchased at as low proportionate rates as coal introduced from other States; *Provided, further*, That this section shall not be construed as prohibiting the use of wood for fuel at such institutions."

And when so amended recommend that said bill do pass.

FRED DENNETT,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 41,

A bill for an act to authorize the county commissioners of any county to cancel taxes of persons suffering from loss by hail or cyclone,

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

GEO. H. FAY,
Chairman.

Mr. Gill moved
That House bill No. 41, be referred to General Orders,
Which motion was lost.

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 in relation to practice in the district courts of
the State,
Have had the same under consideration and recommend that
the same do not pass.

GEO. H. FAY,
Chairman.

Mr. Gill moved
That House Bill No. 43 be referred to General Orders,
Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 16, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the President has
appointed as a committee on the part of the Senate to inquire into
the abstraction of Gray Bros.' bond and contract from the files of
the Insane Asylum, Messrs. Kuhn and Palmer.

Also,
To transmit herewith
Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township
133, north of range 48, west of the 5th principal meridian, being
in the county of Richland and State of North Dakota, to the
North Dakota Academy of Science, located at the city of Wahpeton,
in the said county of Richland,

And your favorable consideration thereof is respectfully re-
quested.

C. C. BOWSFIELD,
Secretary.

The Committee on Judiciary made the following report,

MR. SPEAKER.

Your Committee on Judiciary to whom was referred
House Bill No. 32,
A bill for an act to amend Section 7 of Chapter 91 of the Laws
passed at the First Session of the Legislative Assembly of the
State of North Dakota, entitled "An act relating to marriage and
providing licenses,"

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

By inserting a "comma" (,) after the word "or" in line 13.

Also by adding the word "of" after the word "unorganized" in line 14 of the printed bill.

And when so amended recommend that said bill do pass.

GEO. H. FAY,
Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws and provided with boards of education,"

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

After the word "payable" in line 28, Section 1, the words "at a time not to exceed" be inserted.

And when so amended recommend that said bill do pass.

C. A. BURTON,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the Speaker be requested to appoint Mrs. A. Norville as one of the Engrossing Clerks of the House.

Which motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Havrevold introduced—

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

Which was read the first time.

Mr. Brown introduced—

House Bill No. 61,

A bill for an act to donate and grant section 16, township 151, north, range 50, west of the 5th principal meridian being in the county of Grand Forks and State of North Dakota, located in the city of Grand Forks in said Grand Forks county,

Which was read the first time.

Mr. Farrah (by request) introduced—

House Bill No. 62,

A bill for an act allowing counties and municipal corporations whose indebtedness is up to the constitutional limitation to use 50 per cent of general fund moneys for current expenses.

Which was read the first time.

Mr. Larson introduced—

House Bill No, 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund in which there is a deficiency,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Which was read the first time.

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Also,

House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds,

Mr. Gill moved

That the first readings of House Bills Nos. 65 and 66 be deferred until the same shall be printed,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 35,

A bill for an act to revise the law in relation to justices and constables in civil cases,

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 16, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,
Which the Senate has passed and your favorable consideration
thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The privileges of the floor were extended to Hon. E. M. Paulson, Hon. W. H. Robinson, Hon. Judge W. B. McConnell, Rev. T. W. Thurston, Hon. Jacob Lowell and Hon. F. J. Thompson.

Mr. Brown introduced the following Memorial:

A MEMORIAL

To the Congress of the United States, requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 16, in township 151 north, of range 50 west of the 5th principal meridian, to the University of North Dakota, and to authorize and allow said State of North Dakota to select some other section in lieu of said section so donated and granted to said University.

Be it Resolved by the House of Representatives, the Senate Concurring: That a properly certified and attested copy of the following memorial be forwarded to Senators Casey, Pierce and Representative Hansbrough in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with the memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 16, in township 151 north, of range 50, west of the 5th principal meridian, to the University of the State of North Dakota in the city of Grand Forks, North Dakota; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so selected and granted to said University of North Dakota.

Mr. Strom moved

That the memorial be referred to the Committee on School and Public lands.

Which motion prevailed, and

The memorial was so referred.

FIRST READING OF SENATE BILLS.

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Was read the first time.

Mr. Oliver moved

That the rules be suspended, and that
Senate Bills Nos. 2, 3, and, 29,

Be given their first and second readings and be referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 2

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

Senate Bill No 3,

A bill for an act regulating the practice in the Supreme Court,
Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133 north, of range 48, west of the 5th. principal meridian, being in the county of Richland, and State of North Dakota, to the North Dakota Academy of Science, located at the city of Wahpeton in the said county of Richland,

Was read the first and second times, and referred to the Committee on School and Public Lands.

Mr. Gill moved

That the rules be suspended, and that House Bill No. 64 be now read the second time and referred to its appropriate committee,

Which motion was lost.

Mr. Fiske and Mr. Douglas were excused until Monday.

Mr. Thompson moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 17, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 17, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,
Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 19,

A bill for an act authorizing the judges of county courts in case

of deceased persons when the estate in value does not exceed \$500, to summarily close up the same,

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

Also,

House Bill No. 27,

A bill for an act to repeal Section 27 of Chapter 23, Laws of 1890, approved February 20, 1890,

Have had the same under consideration and recommend that the title be amended as follows, to-wit:

By adding after the figures "1890" the following: "An act to provide for the organization and government of State banks."

And that the bill when so amended, be referred to the Committee on Banking.

GEO. H. FAY,
Chairman.

Mr. Oliver moved
To adopt the report,
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. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883.

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

Also

House Bill No. 7,

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

Have had the same under consideration and report the bill back with the following substitute and recommend that said substitute do pass.

CONCURRENT RESOLUTION.

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

That the following amendment to the Constitution of the State of North Dakota, providing that the Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, shall be referred to the Legislative Assembly to be chosen at the next general election, after the passage of this resolution, as provided in Article 15 of the Constitution of the State of North Dakota.

AMENDMENT.

The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

GEO. H. FAY.
Chairman.

The Committee on School and Public Lands made the following report:

MR. SPEAKER:

Your Committee on School and Public Lands to whom was referred

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian,

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

A. L. LOOMIS,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy,

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

M. N. TRIPLETT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Axvig offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

WHEREAS, The Legislative Assembly of the State of North Dakota has, by resolution, requested the appropriation by the Federal Government of the sum of \$500,000 to aid needy and destitute farmers in this State to procure seed wheat; and

WHEREAS, Two of our Representatives in Congress are at present absent from their posts of duty and are not doing anything to further the interests of these drouth stricken farmers of North Dakota, therefore be it

Resolved, By the House of Representatives, the Senate concurring, that all the members of Congress from the State of North Dakota be, and are hereby requested to return immediately to their seats in Congress and exert themselves to their utmost to secure the measures of relief recently requested by this Legislative Assembly.

Mr. Strom moved
To adopt the Concurrent Resolution.

Mr. Oliver moved
To amend the Concurrent Resolution by striking out the word

“immediately” and inserting in lieu thereof the words “one week from next Monday, January 26th.”

Mr. Brooke moved

To lay the subject matter upon the table.

Roll call demanded.

The roll being called there were ayes 19, nays 40.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hill,	Osgood,
Burton,	Hodgson.	Skinner.
Christianson,	Holritz,	Walton,
Dennett,	Loomis,	Watson,
Gill,	Loring,	White,
Haight,	McKendry,	Mr. Speaker.
Havrevold,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Oliver,
Beardsley,	Fay,	Peabody,
Bjornson,	Foss,	Peterson,
Brown,	Graber,	Richie,
Burke,	Hall,	Satterlund,
Colosky,	Hanson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Horgan,	Thompson,
Daily,	Kearney,	Triplett,
Daniels,	Lamb,	Tufts,
Davis,	Larson,	Wallen,
Douglas,	Lutz,	Williams,
Ebbighausen,	McCulloch,	Yegen.
Erickson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fiske,	Noltimier,	Ward.

Mr. Fiske being excused.

And so the motion to lay upon the table was lost.

The question then being on Mr. Oliver's amendment,

Mr. Kearney moved

To lay the amendment on the table,

Which motion was lost.

Mr. Burton moved

To further amend by adding the words, “All Federal officials and all possible candidates.”

Mr. Havrevold moved

That the amendment of Mr. Burton be indefinitely postponed,

Which motion prevailed, and

The consideration of the amendment was indefinitely postponed.

Mr. White moved

That further consideration of the subject matter be indefinitely postponed,

Which motion prevailed, and

The further consideration of the Concurrent Resolution and proposed amendments was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER.

Your Committee on Judiciary respectfully ask that you appoint an assistant clerk of said committee, and recommend Miss Ella Uline for that position.

GEO. H. FAY,
Chairman.

Mr. Fay offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

For the appointment of a Select Committee to revise, amend or submit a new Revenue Law.

Be it Resolved by the House of Representatives, the Senate concurring: That a Select Committee consisting of five members, three from the House and two from the Senate, be appointed by the Speaker of the House and President of the Senate, to revise, amend, or prepare a new Revenue Law, and report the same at an early day for the consideration of this Legislative Assembly.

That the members of such committee, when so appointed, be excused from all further duties as members of other committees.

Mr. Graber moved

To adopt the resolution,

Which motion was lost, and

The concurrent resolution was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Brooke introduced—

House Bill No 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

Which was read the first time.

Mr. Fay introduced—

House Bill No. 68,

A bill for an act to amend Sections 462 and 463 of the Compiled Laws of Dakota, 1887, being Sections 1 and 2 of Chapter 18 of the Political Code, entitled, "Attorneys and Counselors at law,

Which was read the first time.

Mr. Axvig introduced—

House Bill No. 69,

A joint resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Which was read the first time.

Also,

House Bill No. 70,

A joint resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota.

Which was read the first time.

Mr. Williams introduced—

House Bill No. 71,

A bill for an act to amend Sections 1 and 3 of Chapter 166 of the General Laws of 1890, relating to the care of the State library.

Which was read the first time.

Mr. Douglas introduced—

House Bill No. 72,

A bill for an act making appropriation to the use of the permanent school fund of the State of North Dakota for lands withdrawn from the support of the common schools,

Which was read the first time.

FIRST READING OF HOUSE BILLS.

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Was read the first time.

The speaker announced his signature to

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county.

SECOND READING OF HOUSE BILLS.

House Bill No. 59,

A bill for an act to authorize the county commissioners of the several counties in the State of North Dakota to designate depositories for the funds of their respective counties, and for other purposes relative thereto,

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

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

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

House Bill No. 61,

A bill for an act to donate and grant section 16, township 151 north, range 50, west of the 5th principal meridian, being in the county of Grand Forks and State of North Dakota, located in the city of Grand Forks in said Grand Forks county,

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

House Bill No. 62,

A bill for an act allowing counties and municipal corporations whose indebtedness is up to the constitutional limitation to use 50 per cent of general fund moneys for current expenses,

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

House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund where there is a deficiency,

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

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

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

House Bill No. 35,

A bill for an act to revise the law in relation to justices and constables in civil cases,

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

THIRD READING OF HOUSE BILLS.

Mr. Oliver moved

That House Bill No. 41 be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

House Bill No. 43,

A bill for an act in relation to practice in the district courts of the State,

Was read the third time, and

Mr. Holritz moved

That the bill be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

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

The roll being called there were ayes 53, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Peterson,
Bjornson,	Haight,	Richie,
Brooke,	Hall,	Satterlund,
Brown,	Hanson,	Skinner,
Burke,	Havrevold,	Smith,
Colosky,	Hill,	Strom,
Cope,	Hodgson,	Thompson,
Cunningham,	Holritz,	Triplett,
Daily,	Horgan,	Tufts,
Daniels,	Larson,	Wallen,
Davis,	Loomis,	Walton,
Dennett,	Loring,	Ward,
Douglas,	Lutz,	Watson,
Ebbighausen,	McKendry,	White,
Farrah,	Noltimer,	Williams,
Fay,	Oliver,	Yegen,
Foss,	Osgood,	Mr. Speaker.
Gill,	Peabody,	

Those who voted in the negative were:

Messrs.	Messrs.	Messrs.
Kearney,	Lamb,	McCulloch.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Christianson,	Fiske,
Burton,	Erickson,	Holte.

Mr. Fiske being excused.

And so the bill passed, and the title was agreed to.

The following Concurrent Resolution, reported by the Committee on Judiciary as a substitute for House Bill No. 7:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring, That the following amendment to the Constitution of the State of North Dakota, providing that the Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, shall be referred to the Legislative Assembly to be chosen at the next general election, after the passage of this resolution, as provided in Article 15 of the Constitution of North Dakota.

AMENDMENT.

The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets,

Was read.

The question being on its adoption,

The roll being called there were ayes 57, nays 1.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Bjornson,
 Brooke,
 Brown,
 Burke,
 Burton,
 Colosky,
 Cope,
 Cunningham,
 Daily,
 Daniels,
 Davis,
 Dennett,
 Ebbighausen,
 Erickson,
 Farrah,
 Fay,
 Foss,
 Gill,

Messrs—
 Graber,
 Haight,
 Hall,
 Hanson,
 Havrevold,
 Hill,
 Hodgson,
 Holte,
 Holritz,
 Horgan,
 Lamb,
 Larson,
 Loomis,
 Loring,
 Lutz,
 McCulloch,
 McKendry,
 Noltimier,
 Oliver,

Messrs—
 Osgood,
 Peabody,
 Peterson,
 Richie,
 Satterlund,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Triplett,
 Tufts,
 Wallen,
 Walton,
 Ward,
 Watson,
 White,
 Williams,
 Yegen,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Beardsley,
 Christianson,

Messrs—
 Douglass,

Messrs—
 Fiske.

Mr. Kearney voting in the negative.

Mr. Fiske being excused.

And so the Concurrent Resolution was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133 north, of range 48, west of the 5th principal meridian, being in the county of Richland and State of North Dakota, to the North Dakota Academy of Science, located at the city of Wahpeton, in the said county of Richland,

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

Mr. Williams moved

That the House do now adjourn.

Mr. Oliver moved

That when the House adjourn it be to meet again at 1 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 18, nays 43.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Bjornson,
 Brooke,
 Burton,
 Christianson,
 Cope,

Messrs—
 Cunningham,
 Dennett,
 Fay,
 Gill,
 Graber,
 Haight,

Messrs—
 Kearney,
 Loomis,
 Triplett,
 White,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Brown,
Burke,
Colosky,
Daily,
Daniels,
Davis,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Foss,
Hall,
Hanson,
Havervold,

Messrs—

Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Yegen.

Mr. Fiske being excused.

And so the motion to adjourn until Monday at 1 o'clock p. m. was lost.

Mr. Oliver moved

The previous question on the passage of Senate Bill No. 29.

And the questions being, shall the main question be now put The motion prevailed, and the previous question was ordered.

The question then being upon the passage of Senate Bill No. 29,

The roll being called there were ayes 35, nays 24:

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Cope,
Cunningham,
Farrah,
Gill,
Graber,
Haight,
Hall.

Messrs—

Hill,
Holte,
Holritz,
Kearney,
Larson,
Loomis,
Lutz,
McKendry,
Oliver,
Osgood,
Peabody,
Peterson,

Messrs—

Richie,
Satterlund,
Smith,
Thompson,
Triplett,
Tufts,
Walton,
Watson,
Williams,
Yergen,
Mr. Speaker.

Those who voted in the negative were.

Messrs—

Bjornson,
Burton,
Colosky,
Daily,
Daniels,
Davis,
Dennett,
Douglas,

Messrs—

Ebbighausen,
Erickson,
Fay,
Foss,
Hanson,
Havrevold,
Horgan,
Lamb,

Messrs—

Loring,
McCulloch,
Noltimier,
Skinner,
Strom,
Wallen,
Ward,
White.

Absent not voting:

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883.

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

The question being upon the final passage of the bill,
The roll being called there were ayes 59, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Osgood,
Beardsley,	Haight,	Peabody,
Bjornson,	Hall,	Peterson,
Brooke,	Hanson,	Richie,
Brown,	Havrevold,	Satterlund,
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Colosky,	Holritz,	Thompson,
Cope,	Horgan,	Triplet,
Cunningham,	Kearney,	Tufts,
Daniels,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Ward,
Ebbighausen,	Loring,	Watson,
Erickson,	Lutz,	White,
Farrah,	McCulloch,	Williams,
Fay,	McKendry,	Yegen,
Foss,	Noltimier,	Mr. Speaker.
Gill,	Oliver.	

Mr. Daily voting in the negative.

Messrs. Douglas and Fiske being absent and not voting.

Mr. Fiske being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker appointed Miss Ella Uline Assistant Clerk of the Committee on Judiciary.

Mr. Strom moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

The Journal of the preceding day was read and approved.

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. 18,

A bill for an act to amend Section 45 of Chapter 62 of Session
Laws of 1890,

Have had the same under consideration and recommend that
the title of the bill be amended by adding after the word "Da-
kota" the following, to-wit:

Entitled "An Act to provide for a uniform system of free public schools
throughout the State, and to prescribe penalties for violation of the provisions
thereof,"

And when so amended recommend said bill be referred to Com-
mittee on Education.

GEO. H. FAY,
Chairman.

Mr. Hill moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The Judiciary Committee made the following report:

MR. SPEAKER:

The House Judiciary Committee requests that they be furnished

the Code of 1877, and the following Session Laws, 1879, 1881, 1883, 1885, 1887 and 1889.

GEO. H. FAY,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 52,

A bill for an act for the prevention of prairie fires and to provide against damage being done by them,

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

Amend Section 2 by substituting the words "road overseer" for "county commissioner." In line 2 of printed bill strike out the word "commissioner."

Amend Section 4 in lines 7 and 9 of printed bill by striking out the words "county commissioner" and substitute the words "road overseer."

That Section 5 be stricken out.

Section 1, line 1 of printed bill strike out the words "county commissioners" and substitute the words "road overseer." In line 2 of printed bill strike out the word "mileage."

And that the bill thus amended do pass.

Also,

House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund in which there is a deficiency,

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

FRED DENNETT,
Chairman.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred
House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law,

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

C. J. CHRISTIANSON,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee to investigate the matter of the bond and contract of Gray Bros. for drilling an artesian well at the

Hospital for the Insane at Jamestown submitted the following opinion from the Attorney General as a partial report:

ATTORNEY GENERAL'S OFFICE,
BISMARCK, January 19, 1891.

Gentlemen of the Committee:

Upon your request I herewith submit my opinion relative to the bond and contract between Gray Bros. and the North Dakota Hospital for Insane as follows:

First. While said bond is deficient, in some respects, in form, still it is my opinion that the same is legal and sufficient upon which to bring an action.

Second. With regard to the contract referred to, it seems to be legal, and the terms or conditions sufficiently plain and explicit for legal enforcement in case of a breach thereof.

Third. I am informed that said contract has not been carried out on part of Gray Bros., and that the Hospital has carried out its part of the contract. If this is true, then the proper remedy is by an action in the district court by said Hospital against said Gray Bros. and their bondsmen for damages for breach of said contract on part of Gray Bros. for the amount of damage suffered by said Hospital on account of failure of Gray Bros. to comply with their said contract.

Respectfully submitted,
C. A. M. SPENCER,
Attorney General.

MOTIONS AND RESOLUTIONS.

Mr. Brown moved that
House Bill No. 61,

A bill for an act to donate and grant section 16, township 151, north, range 50, west of the 5th principal meridian being in the county of Grand Forks and State of North Dakota, located in the city of Grand Forks in said Grand Forks county,

Be recalled from the Committee on School and Public Lands, and that its further consideration be indefinitely postponed.

Which motion prevailed.

Mr. Burton moved that Senate Bill No. 20 be taken from General Orders and placed upon the third reading of Senate bills,

Which motion prevailed.

Mr. Oliver moved

That the Speaker be authorized to appoint from time to time such assistant clerks of the Engrossing and Enrolling Committee and other employes, as may be deemed necessary for the proper transaction of public business,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Ways and Means introduced—

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'"

Which was read the first time.

Mr. Oliver moved

That the rules be suspended and that House Bill No. 73 be now read the second time,

Which motion prevailed, and

House Bill No. 73 was read the second time.

Mr. Beardsley introduced—

House Bill No. 74,

A bill for an act to amend Sections 4, 5 and 8 of the Special Laws of 1885, entitled, "An Act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T.,"

Which was read the first time.

FIRST READING OF HOUSE BILLS.

House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds,

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 19, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 9,

A joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

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

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 19, 1891. }

To the Speaker of the House of Representatives:

I have the honor to transmit herewith the report of State Oil Inspector J. C. Gipson for the year ending October 31, 1890, as per your resolution calling for the same.

I have the honor to be,

Your obedient servant,

ANDREW H. BURKE,
Governor.

VALLEY CITY, N. D., January 17, 1891.

To His Excellency, Gov. A. H. Burke, Bismarck, North Dakota :

MOST RESPECTED SIR: I am in receipt of your letter of January 15, 1891, asking for a report of the transactions of my office for the past year, and I herewith comply with your request. I am with the greatest respect,

Your obedient servant,

J. C. GIPSON,
State Oil Inspector.

OIL INSPECTOR'S REPORT.

Date.	Where Inspected.	By Whom Owned.	Number of Barrels.	Disposition.
Aug. 18	Valley City	Standard Oil Comp'y	90	Approved
20	Fargo	" "	85	"
23	Fargo	" "	150	"
22	Jamestown	" "	24	"
22	Jamestown	" "	103	Rejected
27	Milnor	" "	4	Approved
26	Wahpeton	" "	155	"
26	Wahpeton	" "	13	Rejected
28	Fargo	" "	69	Approved
Sept. 1	Hillsboro	" "	69	"
2	Grand Forks	" "	40	"
2	Grand Forks	" "	143	"
3	Larimore	" "	15	"
3	Larimore	" "	84	"
3	Devils Lake	" "	66	"
4	Fargo	" "	70	"
4	Grafton	" "	114	"
5	Jamestown	" "	200	"
6	Bismarck	" "	138	"
7	Mandan	" "	220	"
8	Dickinson	" "	85	"
8	Fargo	" "	70	"
10	Fargo	" "	64	"
15	Ellendale and Ludden	Union Tank Line.	53	"
17	Ellendale and Ludden	Standard Oil Comp'y	92	"
18	Grafton	" "	50	"
18	Pembina	" "	68	"
19	Neches	" "	67	"
19	Grand Forks	" "	50	"
20	Minot	" "	28	"
20	Devils Lake	" "	165	"
22	Park River	" "	50	"
22	Langdon	" "	47	"
23	Larimore	" "	51	"
23	Fargo	" "	70	"
23	Grand Forks	" "	10	"
23	Wahpeton	" "	50	"
24	Milnor	" "	50	"
25	Hankinson	" "	53	"
25	Fargo	" "	60	"
25	Fargo	" "	21	"
26	Rutland	" "	50	"
26	Jamestown	" "	40	"
26	Ranson	" "	1	"
27	Cooperstown	" "	50	"
29	Fargo	" "	49	"
30	Jamestown	" "	50	"
30	Grafton	" "	170	"
30	Grand Forks	" "	120	"
30	Mavville	" "	25	"
30	Fargo	" "	52	"
Oct. 2	Fargo	" "	60	"
2	Grandin	" "	50	"
3	Fargo	" "	60	"
4	Wahpeton	" "	120	"
7	Grafton	" "	50	"
7	Grand Forks	" "	120	"
7	Minot	" "	50	"
9	Fargo	" "	60	"

OIL INSPECTORS REPORT.—Continued.

Date.	Where Inspected.	By Whom Owned.	Number of Barrels.	Disposition.
Oct. 10	Grand Forks	Standard Oil Comp'y	42	Approved
10	Bismarck	" "	55	" "
10	Dawson	" "	50	" "
10	Botineau	" "	51	" "
10	Dazey	" "	50	" "
16	Fargo	" "	127	" "
16	Towner	" "	50	" "
18	Fargo	" "	71	" "
18	Hamilton	" "	60	" "
18	Neché	" "	50	" "
20	Park River	" "	100	" "
22	Fargo	" "	70	" "
22	Fargo	" "	60	" "
22	Monango	" "	35	" "
23	New Rockford	" "	50	" "
23	Runnels	" "	50	" "
23	Devils Lake	" "	50	" "
24	Grafton	" "	50	" "
24	Forest River	" "	50	" "
24	Carrington	" "	50	" "
24	Minnewaukan	" "	50	" "
25	Thompson	" "	50	" "
27	Fargo	" "	132	" "
29	Fargo	" "	71	" "
29	Bismarck	" "	120	" "
30	Oakes	" "	50	" "
30	Lakota	" "	50	" "
31	Larimore	" "	5	" "
31	Mayville	" "	50	" "
31	Grand Forks	" "	50	" "
31	Fargo	" "	97	" "

Total number of barrels, 6,185, of which 126 barrels were rejected. This includes all stock in warehouses and received in the State during the fiscal year ending October 31, 1890. All of which is respectfully submitted.

No accidents by explosion have come to my knowledge within the State during my term of office.

J. C. GIPSON,
State Oil Inspector, N. D.

Mr. Strom moved

That the reading of the Oil Inspector's report be deferred until the same shall be printed in the Journal,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

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

House Bill No. 68,

A bill for an act to amend Sections 462 and 463 of the Compiled Laws of Dakota, 1887, being Sections 1 and 2 of Chapter 18 of the Political Code, entitled, "Attorneys and Counselors at law,"

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

House Bill No. 69,

A joint resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

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

House Bill No. 70,

A joint resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota.

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

House Bill No. 71,

A bill for an act to amend Sections 1 and 3 of Chapter 166 of the General Laws of 1890, relating to the care of the State library,

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

House Bill No. 72,

A bill for an act making appropriation to the use of the permanent school fund of the State of North Dakota for lands withdrawn from the support of the common schools,

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

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer, to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the State of North Dakota and South Dakota, appointed pursuant to law,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 60, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Noltimier,
Beardsley,	Gill,	Oliver.
Bjornson,	Graber,	Osgood,
Brown,	Haight,	Peabody,
Burke,	Hall,	Peterson,
Burton,	Hanson,	Richie,

Messrs—	Messrs—	Messrs—
Christianson,	Havrevold,	Satterlund,
Colosky,	Hill,	Skinner,
Cope,	Hodgson,	Smith,
Cunningham,	Holte,	Strom,
Daily,	Holritz,	Thompson,
Daniels,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Larson,	Ward,
Ebbighausen,	Loomis,	Watson,
Erickson,	Loring,	White,
Farrah,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Fiske,	McKendry,	Mr. Speaker.

Messrs. Brooke and Walton absent and not voting.

Mr. Walton being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

The courtesies of the floor were extended to E. T. Thompson and John McCabe of Pembina county.

The Speaker appointed Mrs. Norville an Assistant Enrolling and Engrossing Clerk.

House Bill No. 19,

A bill for an act authorizing the judges of county courts in case of deceased persons when the estate in value does not exceed \$500, to summarily close up the same,

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

The question being upon the passage of the bill,

The roll being called there were ayes 14, nays 46.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Davis,	Holritz,
Colosky,	Ebbighausen,	Lutz,
Cope,	Farrah,	McKendry,
Cunningham,	Gill,	Satterlund.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Peterson,
Beardsley,	Havrevold,	Richie,
Bjornson,	Hill,	Skinner,
Brown,	Hodgson,	Smith,
Burton,	Holte,	Strom,
Christianson,	Horgan,	Thompson,
Daily,	Kearney,	Triplett,
Daniels,	Lamb,	Tufts,
Dennett,	Larson,	Wallen,
Erickson,	Loomis,	Ward,
Fay,	Loring,	Watson,
Fiske,	McCulloch,	White,
Foss,	Noltimer,	Williams,
Graber,	Osgood,	Yegen,

Haight,
Hall,

Peabody,

Mr. Speaker.

Absent and not voting:

Messrs—
Brooke,
Douglas,

Messrs—
Oliver,

Messrs—
Walton.

Mr. Walton being excused.

So the bill was lost,

A majority of the members-elect not voting therefor.

House Bill No. 20.

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota, regulating the practice of pharmacy,

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

The question being upon the passage of the bill,

The roll being called there were ayes 48, nays 9.

Those who voted in the affirmative were:

Messrs—
Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Daily,
Daniels,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,

Messrs—
Farrah,
Fay,
Gill,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Lamb,
Larson,
Loomis,
Loring,
Lutz,

Messrs—
McCulloch,
Noltmier,
Osgood,
Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Ward,
White,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—
Fiske,
Foss,
Graber,

Messrs—
Havrevold,
Kearney,
McKendry,

Messrs—
Satterlund,
Thompson,
Mr. Speaker.

Absent and not voting:

Messrs—
Brooke,
Cunningham,

Messrs—
Oliver,
Walton,

Messrs—
Watson.

Mr. Walton being excused.

And so the bill passed, and the title was agreed to.

Mr. Speaker announced his signature to

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133 north, of range 48, west of the 5th principal meridian, being in the county of Richland and State of North Dakota, to the North Dakota Academy of Science, located at the city of Wahpeton, in the said county of Richland.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund where there is a deficiency.

Also,

CONCURRENT RESOLUTION.

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

That the following amendment to the Constitution of the State of North Dakota, providing that the Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, shall be referred to the Legislative Assembly to be chosen at the next general election, after the passage of this resolution, as provided in Article 15 of the Constitution of the State of North Dakota.

AMENDMENT.

The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund where there is a deficiency,

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

The question being upon the passage of the bill,
The roll being called there were ayes 44, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Noltmier,
Bjornson,	Haight,	Osgood,
Burke,	Hall,	Peabody,
Colosky,	Hanson,	Peterson,
Cope,	Hill,	Richie,
Cunningham,	Hodson,	Satterlund,
Daniels,	Holte,	Skinner,
Davis,	Horgan,	Smith,
Dennett,	Kearney,	Triplett,
Douglas,	Lamb,	Tufts,
Erickson,	Larson,	Watson,
Farrah,	Loomis,	Williams,
Fay,	Loring,	Yergen,
Foss,	Lutz,	Mr. Speaker.
Gill,	McCulloch,	

Those who voted in the negative were.

Messrs—

Beardsley,
Brown,
Burton,
Christianson,
Daily,
Ebbighausen,

Messrs—

Fiske,
Havrevold,
Holritz,
McKendry,
Oliver,

Messrs—

Strom,
Thompson,
Wallen,
Ward,
White.

Messrs. Brooke and Walton absent and not voting.

Mr. Walton being excused.

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

FIRST READING OF SENATE BILLS.

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws and provided with boards of education,"

Was read the third time, and

Mr. Strom moved

To adopt the following amendment reported by the Committee on Education:

After the word "payable" in line 28, Section 1, the words "at a time not to exceed" be inserted,

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 59, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniels,
Davis,
Dennett,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Rachie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson.
Triplett,
Tufts,
Wallen,
Ward,

Messrs—	Messrs—	Messrs—
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	White,
Farrah,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Fiske,	McKendry,	Mr. Speaker.
Foss,	Noltimier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Erickson,	Walton.

Mr. Walton being excused.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 20 was passed be reconsidered for the purpose of amendment,

Which motion prevailed.

Mr. Lutz moved

That the bill be amended by striking out the word "not" in Section 1, line 11, written bill,

Which motion prevailed, and

The bill was so amended.

Mr. Fay moved

To strike out the emergency clause,

Which motion was lost.

Mr. Beardsley moved

To amend the emergency clause to read "whereas an emergency exists in that it is necessary to enable boards of education to issue bonds long prior to July 1, 1891," etc.,

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 58, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Oliver,
Beardsley,	Haight,	Osgood,
Bjornson,	Hall,	Peabody,
Brown,	Hanson,	Peterson,
Burke,	Havrevold,	Richie,
Burton,	Hill,	Satterlund,
Christianson,	Hodgson,	Skinner,
Colosky,	Holte,	Smith,
Cope,	Holritz,	Strom,
Cunningham,	Horgan,	Thompson,
Daily,	Kearney,	Triplett,
Daniels,	Lamb,	Tufts,
Davis,	Larson,	Wallen,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Ebbighausen,	Lutz,	White,
Farrah,	McCulloch,	Williams,
Fay,	McKendry,	Yegen,
Fiske,	Noltimier,	Mr. Speaker.
Gill,		

Absent and not voting:

Messrs—

Brooke,
Erickson,

Messrs—

Foss,

Messrs—

Walton.

Mr. Walton being excused.

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

Mr. Speaker announced an informal recess.

House reassembled.

COMMITTEE OF THE WHOLE.

Mr. Lutz moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Lutz to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An act relating to marriage and providing licenses,"

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

By inserting a comma (,) after the word "or" in line 13.

Also by adding the word "of" after the word "unorganized" in line 14 of the printed bill.

And that when so amended the bill do pass.

Also

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

SECTION 1. That the following provisos be added to Section 1: "*Provided*, That the native coal can be purchased at as low proportionate rates as coal introduced from other States; *Provided, further*, That this section shall not be construed as prohibiting the use of wood for fuel at such institutions.

And when so amended recommend that the bill do pass.

Also,

House Bill No. 41,

A bill for an act to authorize the county commissioners of any county to cancel taxes of persons suffering from loss by hail or cyclone,

And recommend that the further consideration of the bill be indefinitely postponed.

GEORGE LUTZ,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and
The report of the Committee of the Whole was adopted.

Mr. Speaker appointed as Assistant Enrolling and Engrossing Clerks, and to perform such other work as may be assigned them, Messrs. White, Purdy, Crum, Holcomb, Lavin and Belden.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North and South Dakota appointed pursuant to law,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. McKendry moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

Mr. Oliver moved

That the reading of the Journal of the fourteenth day be dispensed with and that a committee of three be appointed to examine and correct the same and that a similar committee be appointed for each succeeding day of the session to report upon the following day,

Which motion prevailed.

Mr. Oliver moved that House Bill No. 28 be recalled from the Enrolling Committee,

Which motion prevailed, and

The bill was recalled.

Mr. Beardsley moved

That the House do now proceed to the election of a United States Senator; that the Chief Clerk do call the roll, and that as the names are called the members respond with a *viva voce* vote,

Which motion prevailed, and

The roll being called there were 61 votes cast. Mr. Walton being absent and excused, of which number Mr. G. A. Pierce received 9; Mr. H. C. Hansbrough, 7; Mr. John Miller, 9; Mr. Smith Stimmell, 2; Mr. W. F. Ball, 6, Mr. C. A. Lounsbury, 3; Mr. Walter Muir, 5; Mr. M. L. McCormack, 17; Judson LaMoure, 1; A. G. Johnson, 1; P. H. Rourke, 1.

Those who voted for Mr. Pierce were:

Messrs. Fay, Fiske, Graber, Haight, Loring, Richie, Skinner, Ward, Mr. Speaker—9.

Those who voted for Mr. Hansbrough were:

Messrs. Beardsley, Burton, Dennett, Erickson, Havrevold, Holritz, Thompson—7.

Those who voted for Mr. Miller were:

Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen, White—9.

Those who voted for Mr. Stimmel were:

Messrs. Smith, Tufts—2.

Those who voted for Mr. Ball were:

Messrs. Gill, Holte, Loomis, Osgood, Peterson, Watson—6.

Those who voted for Mr. Lounsberry were:

Messrs. Davis, McKendry, Satterlund—3.

Those who voted for Mr. Muir were:

Messrs. Hodgson, Lamb, McCulloch, Peabody, Yegen—5.

Those who voted for Mr. McCormack were:

Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Elbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett, Williams—17.

Mr. Brown voted for Mr. LaMoure.

Mr. Colosky voted for Mr. A. G. Johnson.

Mr. Oliver voted for Mr. P. H. Rourke.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 20, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith the following Concurrent Resolution on the subject of seed grain for needy farmers:

CONCURRENT RESOLUTION.

Resolved by the Senate the House of Representatives, concurring: That the county commissioners of the respective counties of this State ascertain as soon as they can, and report to the Legislature, the condition of the farmers in their counties as to the amount of seed grain needed for the coming season, and the ability of the people to purchase the same, and about the aid they would need in order to seed their lands.

Also,

The following Concurrent Resolution for the appointment of a committee to revise the laws relating to revenue and taxation:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring: That a select committee be appointed consisting of two Senators and three Representatives to revise Chapter 132 of the Session Laws of 1890, relating to revenue and taxation, and to make such recommendation as they may deem necessary to cure said Chapter of existing defects.

Both of which the Senate has adopted, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Lutz, by unanimous consent offered the following resolution and moved its adoption:

Resolved by the House of Representatives, the Senate Concurring, That the Joint Rules and the Joint Convention Rules of the First Legislative Assembly, be and the same are adopted as the rules of this Legislative Assembly.

Which motion prevailed, and
The resolution was adopted.

Mr. Oliver moved

That the rules be suspended and that House Bill No. 73 be now placed upon its third reading and final passage,

Which motion prevailed, and
House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'"

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

Mr. Oliver moved

To amend the bill by striking out the figures "\$50,000" in line 2 of Section 2, and inserting in lieu thereof the words "six per cent. interest,"

Which motion prevailed, and
The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 57, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Oliver,
Bjornson,	Foss,	Osgood,
Brooke,	Gall,	Peabody,
Brown,	Graber,	Peterson,
Burke,	Haight,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cope,	Hodgson,	Strom,
Cunningham,	Holritz,	Thompson,
Daily,	Horgan,	Triplet,
Daniels,	Kearney,	Tufts,
Davis,	Lamb,	Wallen,
Dennett,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	White,
Erickson,	McCulloch,	Williams,
Farrah,	McKendry,	Yegen,
Fay,	Noltmier,	Mr. Speaker.

Absent and not voting:

Messrs—
Hall.

Messrs—
Holte.

Messrs—
Walton.

Messrs. Axvig and Lutz voting in the negative.

Mr. Walton being excused.

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

Mr. Oliver moved

That the vote by which House Bill No. 73 was passed be reconsidered and that the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Thompson introduced the following Concurrent Resolution and Memorial:

CONCURRENT RESOLUTION AND MEMORIAL

To the Congress of the United States praying for an appropriation for the improvement of the Red River of the North.

To the Honorable the Congress of the United States:

First. Your memorialists, the Second Legislative Assembly of the State of North Dakota, do respectfully pray that an appropriation be made to carry out the recommendations and plans of the Engineer Corps of the United States War Department, as made by Captain Farquahar, for the construction of locks and dams etc., in the Red River of the North to improve the navigation of said waterway.

Second. That a copy of the above and foregoing Resolution and Memorial, signed by the Speaker of the House of Representatives and the President of the Senate, and attested by the Chief Clerks, be sent to the President of the Senate and Speaker of the House of Representatives of the United States, and to our Senators and Representative in Congress.

Mr. Strom moved

To adopt the Concurrent Resolution and Memorial,
Which motion prevailed, and
The Concurrent Resolution and Memorial was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. McCulloch introduced—
House Bill No. 75,

A bill for an act to amend Sections 2 and 3 of the Session Laws of 1887, regulating salaries of registers of deeds and county treasurers,

Which was read the first time.

Also,

House Bill No. 76,

A bill for an act to protect sheep husbandry,
Which was read the first time.

Also,

House Bill No. 77,

A bill for an act to provide for the payment of the expense of contested elections,

Which was read the first time.

Mr. Daily introduced—

House Bill No. 78,

A bill for an act to provide for the teaching of foreign languages in the University of North Dakota,

Which was read the first time.

Mr. Burton moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Lutz moved

That no record be made of the introduction of the bill,

Which motion was lost.

Mr. Tufts introduced—

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 and 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1889 and to amend Sections 622, 523 and 633 of the Code of Civil Procedure,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

Which was read the first time.

Mr. McCulloch introduced—

House Bill No. 81,

A bill for an act to provide against false returns of property for taxation,

Which was read the first time.

Mr. Hill introduced—

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of firearms or ammunition for the same to any Indians who are not citizens of the United States,

Which was read the first time.

Mr. Burton moved

That when the House adjourn, it be to meet again to-morrow at 11 o'clock a. m.,

Which motion was lost.

The Committee on Joint Rules made the following report:

MR. SPEAKER:

Your Committee on Joint Rules would respectfully submit the following report:

That the Joint Rules of 1889-90 be adopted as the Joint Rules for 1891.

G. K. LORING,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

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

Resolved, That the consideration of the Governors' Messages be made special order for Friday at 3 p. m.,

Which motion prevailed, and
The resolution was adopted.

The courtesies of the floor were extended to Mr. Frank Gray, Hon. H. F. Miller and Hon. J. A. Montgomery.

SECOND READING OF HOUSE BILLS.

House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds,

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

House Bill No. 74,

A bill for an act to amend Sections 4, 5 and 8 of the Special Laws of 1885, entitled, "An Act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T."

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

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

Mr. Gill moved

That when the House adjourn it be to meet again at 11 o'clock a. m. to-morrow,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Strom moved

To adopt the following Senate Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring:
That the county commissioners of the respective counties of this State ascertain as soon as they can, and report to the Legislature, the condition of the farmers in their counties as to the amount of seed grain needed for the coming season, and the ability of the people to purchase the same, and about the aid they would need in order to seed their lands.

Which motion prevailed, and
The Senate Concurrent Resolution was adopted.

Mr. Graber moved

To adopt the following Senate Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring:
That a select committee be appointed consisting of two Senators and three Representatives to revise Chapter 132 of Session Laws of 1890, relating to revenue and taxation, and to make such recommendation as they may deem necessary to cure said Chapter of existing defects.

Mr. Oliver moved

To amend the resolution by make the State Auditor and the Public Examiner *ex-officio* members of the commission,

Which motion prevailed, and

The resolution was amended.

The question then being on the adoption of the resolution as amended,

The motion prevailed, and

The Senate Concurrent Resolution as amended was adopted.

Mr. Speaker appointed Messrs. Oliver, Gill and Dennett as the committee to revise and correct the Journal.

Mr. Triplett moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 21, 1891.

The House assembled at 11 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to whom was referred the House Journal of the 19th instant beg leave to report that we have examined the same and find it correct.

H. S. OLIVER,
Chairman.

The courtesies of the floor were extended to Hon. J. W. Burnham, Hon. H. J. Rowe, Hon. E. D. McIntyre, members of former Legislative Assemblies; Hon. R. M. Pollock, member of Constitutional Convention, and Judge Roderick Rose and Hon. L. A. Rose.

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

Be it Resolved, That the Chief Clerk forthwith notify the Senate that the House is now in readiness to receive the Senate in joint session for the purpose of taking such proceedings in relation to the election of United States Senator as shall be necessary and proper.

Which motion prevailed, and

The resolution was adopted.

Mr. Gill moved

That a Committee of three be appointed to notify the Senate of the arrangements for their seating in Joint Session and to escort them to the House,

Which motion prevailed, and

Mr. Speaker appointed as such Committee Messrs. Gill, Farrah and Hanson.

The privileges of the floor were extended to Hon. W. S. Buchanan, Hon. C. A. Currier and Hon. P. S. Golberg.

Mr. Speaker appointed Messrs. Oliver, Gill and Dennett as the Committee to revise and correct the Journal.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 21, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted the report of the Joint Committee on Rules, and has concurred in the House Concurrent Resolution relating to the same.

Also,

That the Senate has concurred in the House amendments to Senate Bill No. 20, and has passed the bill as so amended.

C. C. BOWSFIELD,
Secretary.

The Sergeant-at-Arms announced the members of the Senate and officers thereof, with the House committee escorting, in waiting.

JOINT SESSION.

The Joint Session of the two Houses was called to order by the Lieutenant Governor, the President of the Senate, who announced that the hour had arrived for the meeting of the Joint Session and designated the Chief Clerk of the House as Clerk of the Joint Session.

The roll of the respective Houses was called,

All the members present except Mr. Walton of the House.

Mr. President announced that the purpose of the Joint Session was the comparison of the Journals of the House and Senate relating to the election of a United States Senator.

The Journals of each House being read, and it appearing therefrom that no candidate had received a majority of all the votes cast by the Senators and Representatives,

Mr. Palmer moved

That the Joint Session do now proceed to the election of a United States Senator,

Which motion prevailed, and

Nominations being declared in order,

Mr. Pinkham nominated Mr. Smith Stimml.

Mr. Brooke nominated Mr. M. L. McCormack.

Mr. Burke seconded the nomination of Mr. McCormack.

Mr. Gill nominated Mr. W. F. Ball.

Mr. Loomis seconded the nomination of Mr. Ball.

Mr. Burton nominated Mr. H. C. Hansbrough.

Mr. Worst nominated Mr. Gilbert A. Pierce.

Mr. Ward and Mr. Richie seconded the nomination of Mr. Pierce.

Mr. Strom nominated Mr. John Miller.

Mr. Johnson of Traill seconded the nomination of Mr. Miller.

Mr. Weiser nominated Mr. C. A. Lounsberry.

Mr. McCulloch nominated Mr. Walter Muir.

Mr. McGillivray seconded the nomination of Mr. Muir.

The roll being called there were 92 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 13, Mr. Miller 12, Mr. Stimmell 3, Mr. Ball 7, Mr. Lounsberry 5, Mr. Muir 9, Mr. McCormack 24, W. H. Brown 1.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer and Worst of the Senate, and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, McCormick of Ramsey and Svensrud of the Senate, and Messrs. Beardsley, Burton, Dennett, Erickson, Fay, Holritz, Oliver, Thompson and Tufts of the House.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltmier, Strom, Wallen and White of the House.

Those who voted for Mr. Stimmell were:

Mr. Pinkham of the Senate, and Messrs. Holte and Peterson of the House.

Those who voted for Mr. Ball were:

Messrs. Haggart and Lowry of the Senate, and Messrs. Gill, Loomis, Osgood, Smith and Watson of the House.

Those who voted for Mr. Lounsberry were:

Messrs. Fuller, Miller and Weiser of the Senate, and Messrs. Davis and Satterlund of the House.

Those who voted for Mr. Muir were:

Messrs. McGillivray, Nelson and Svennungsen of the Senate, and Messrs. Hodgson, Lamb, McCulloch, McKendry, Peabody and Yegen of the House.

Mr. McCormack of Grand Forks voted for W. H. Brown.

Those who voted for Mr. McCormack were:
Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch
of the Senate, and Messrs. Axvig, Brooke, Brown, Burke, Cope
Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah,
Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of
the House.

Mr. Walton of the House being absent and excused.

Mr. Little moved

That the Joint Session do now dissolve,

Which motion prevailed, and

The Joint Session dissolved.

J. G. HAMILTON,
Clerk of Joint Session.

HOUSE RECONVENED.

Mr. Beardsley moved

That when the House adjourns it be to meet again to-morrow at
11:30 o'clock a. m.,

Which motion prevailed.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 22, 1891.

The House assembled at 11:30 o'clock a. m. pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

Mr. Speaker continued the same committee to examine and correct the Journal.

Mr. Richie introduced the following resolution and moved its adoption: Be it

Resolved, That the Chief Clerk forthwith notify the Senate that the House is now in readiness to receive it in Joint Session to proceed with the election of a United State Senator.

Which motion prevailed, and

The resolution was adopted.

Mr. Brown moved

That the Speaker appoint a committee of three to escort the members of the Senate to seats in the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Brown, Lutz and Holte.

The Sergeant-at-Arms announced the members of the Senate and officers thereof with the House Committee escorting in waiting.

JOINT SESSION.

The Joint Session of the two Houses was called to order by the Lieutenant Governor, the President of the Senate.

The rolls of the respective Houses were called.

All the members present except Mr. Walton who was excused.

The Journal of the Joint Session of the 21st inst. was read and approved.

Mr. Brown nominated Mr. Wm. Budge as a candidate for United States Senator.

Mr. Colosky seconded the nomination of Mr. Budge.

Mr. Brooke moved

That the House proceed to ballot for United States Senator,

Which motion prevailed, and

The second ballot was proceeded with.

SECOND BALLOT.

The roll being called there were 92 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 19, Mr. Miller 12, Mr. Stimmel 4, Mr. Lounsberry 12, Mr. Muir 2, Mr. Budge 2, Mr. McCormack 23.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—18.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey and Miller of the Senate, and Messrs. Beardsley, Burton, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Thompson, Tufts and Watson of the House—19.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger and Johnson of Traill of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltmier, Strom, Wallen, and White of the House—12.

Those who voted for Mr. Stimmel were:

Mr. Pinkham of the Senate, and Messrs. Holte, Peterson and Smith of the House—4.

Those who voted for Mr. Lounsberry were:

Messrs. McGillivray, Nelson, Svennungsen and Weiser of the Senate, and Messrs. Davis, Hodgson, Holritz, Lamb, McCulloch, Peabody, Satterlund and Yegen of the House—12.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate—2.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House.—23.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House—2.

Mr. Walton of the House being absent and excused.

Mr. McCormick of Ramsey moved

That the Joint Session do now proceed to take another ballot.

Mr. Lutz moved

That the Joint Session do now dissolve.

Roll call demanded on the motion to dissolve.

The roll being called there were ayes 9, nays 82.

Those who voted in the affirmative were:

Messrs. Kinter and Little of the Senate, and Messrs. Axvig, Cunningham, Davis, Kearney, Lutz and Yegen of the House.

Those who voted in the negative were:

Messrs. Almen, Arnold, Bidlake, Bisbee, Bjorgo, Brynjolfson, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kuhn, LaMoure, Lowry, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Patch, Pinkham, Svennungsen, Svensrud, Weiser and Worst of the Senate, and Messrs. Beardsley, Bjornson, Brooke, Brown, Burke, Burton, Christianson, Colosky, Cope, Daily, Daniels, Dennett, Douglas, Ebbighausen, Erickson, Farrah, Fay, Fiske, Foss, Gill, Graber, Haight, Hanson, Havrevold, Hill, Hodgson, Holte, Holritz, Hergan, Lamb, Larson, Loomis, Loring, McCulloch, McKendry, Noltimier, Oliver, Osgood, Peabody, Peterson, Richie, Satterlund, Skinner, Smith, Strom, Thompson, Triplett, Tufts, Wallen, Ward, Watson, White, Williams and Mr. Speaker of the House.

Absent and not voting:

Messrs. Hall and Walton of the House.

Mr. Walton being excused.

And so the motion to dissolve the Joint Session was lost, and the third ballot was proceeded with.

THIRD BALLOT.

The roll being called there were 92 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 21, Mr. Miller 12, Mr. Stimmel 4, Mr. Lounsberry 9, Mr. Muir 2, Mr. Budge 2, Mr. McCormack 24.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Fiske, Graber, Haight, Havrevold, Loring, Rickie, Skinner, Ward and Mr. Speaker of the House—18.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller and Nelson of the Senate, and Messrs. Beardsley, Burton, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Thompson, Tufts and Watson of the House—21.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger and Johnson of Trall of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen and White of the House—12.

Those who voted for Mr. Stimmel were:

Mr. Pinkham of the Senate, and Messrs. Holte, Peterson and Smith of the House—3.

Those who voted for Mr. Lounsberry were:

Messrs. Svennungsen and Weiser of the Senate, and Messrs. Davis, Hodson, Holritz, McCulloch, Peabody, Satterlund and Yegen of the House.

Those who voted Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate—2.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbinghausen, Farrah, Hall, Horgan, Kearney, Lamb, Larson, Lutz, Triplett and Williams of the House—24.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House.

Mr. Walton of the House being absent and not voting.

Mr. Cashel moved

That the Joint Session do now proceed to take the fourth ballot,

Which motion prevailed, and

The fourth ballot was proceeded with.

FOURTH BALLOT.

The roll being called there were 92 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 21, Mr. Miller 13, Mr. Stimmel 4, Mr. Lounsberry 9, Mr. Muir 2, Mr. Budge 2, Mr. McCormack 23.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, Little, LaMoure, Palmer, Svensrud and Worst of the Senate, and Messrs. Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—18.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller and Nelson of the Senate, and Messrs. Beardsley, Burton, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Thompson, Tufts and Watson of the House—21.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill and Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen and White of the House—13.

Those who voted for Mr. Stimmel were:

Mr. Pinkham of the Senate, and Messrs. Holte, Peterson and Smith of the House—4.

Those who voted for Mr. Lounsberry were:

Mr. Weiser of the Senate, and Messrs. Davis, Hodgson, Holritz, Lamb, McCulloch, Peabody, Satterlund and Yegen of the House—9.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks, of the Senate—2.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House—2.

Mr. Walton being absent and excused.

Mr. Burton moved

That the Joint Session do now take a recess for ten minutes,
Which motion was lost.

Mr. Little moved

That the Joint Session do now dissolve.

Roll call demanded.

The roll being called there were 92 votes cast, of which there were ayes, 43; nays, 49.

Those who voted in the affirmative were:

Messrs. Bisbee, Bjorgo, Fuller, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Little, Lowry, Palmer, Patch, Pinkham, Svensrud, Weiser and Worst of the Senate, and Messrs. Christianson, Colosky, Davis, Fiske, Foss, Haight, Hanson, Havrevold, Hill, Hodgson, Holte, Horgan, Larson, Loring, Lutz, Peabody, Peterson, Richie, Skinner, Smith, Strom, Wallen, Ward, Williams, Yegen and Mr. Speaker of the House.

Those who voted in the negative were:

Messrs. Almen, Arnold, Bidlake, Brynjolfson, Cashel, Engle, Enger, Haggart, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Nelson and Svennungsen of the Senate, and Messrs. Axvig, Beardsley, Bjornson, Brooke, Brown, Burke, Burton, Cope, Cunningham, Daily, Daniels, Dennett, Douglas, Ebbinghausen, Erickson, Farrah, Fay, Gill, Graber, Hall, Holritz, Kearney, Lamb, Loomis, McCulloch, McKendry,

Noltimier, Oliver, Osgood, Satterlund, Thompson, Triplett, Tufts, Watson and White of the House.

Mr. Walton being absent and excused.

And so the motion to dissolve the Joint Session was lost.

Mr. Brooke moved

That the Joint Session take an informal recess for ten minutes.

Mr. Gill moved as an amendment

That the Joint Session take a recess until 4 o'clock p. m.,

Which motion prevailed, and

The Joint Session took a recess until 4 o'clock p. m.

The Joint Session reassembled at 4 o'clock p. m. and proceeded to take the fifth ballot for United States Senator.

FIFTH BALLOT.

The roll being called there were 92 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 22, Mr. Miller 14, Mr. Stimmell 4, Mr. Lounsberry 1, Mr. Muir 31, Mr. Budge 1.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey McGillivray and Miller of the Senate, and Messrs. Beardsley, Burton, Davis Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Satterlund, Thompson, Tufts and Watson of the House—22.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill, Svennungsen and Weiser of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen and White of the House—14.

Those who voted for Mr. Stimmel were:

Mr. Pinkham of the Senate, and Messrs. Holte, Peterson and Smith of the House—4.

Those who voted for Mr. Muir were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Fuller, Kinter, McCormack of Grand Forks, Nelson and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Hodgson, Horgan, Kearney, Lamb, Larson, Lutz, McCulloch, Peterson, Triplett, Williams and Yegen of the House—31.

Mr. Brown voted for Mr. Budge.

Mr. Holritz voted for Mr. Lounsberry.

Mr. Walton of the House being absent and not voting.

SIXTH BALLOT.

Mr. Oliver moved

That the Joint Session do now proceed to take the Sixth ballot,
Which motion prevailed, and

The Joint Session proceeded to take the Sixth ballot.

The roll being called there were 92 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 24, Mr. Miller 13, Mr. Stim-
mel 3, Mr. Lounsberry 1, Mr. Muir 2, Mr. Budge 1, Mr. McCormack 29.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Pinkham and Weiser of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Satterlund, Thompson, Tufts and Watson of the House—24.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger and Johnson of Traill of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Hodgson, Noltimier, Strom, Wallen and White of the House—13.

Mr. Holritz voted for Mr. Lounsberry.

Mr. Brown voted for Mr. Budge.

Those who voted for Mr. McCormack were:

Messrs. Bidiake, Bjorgo, Brynjolfson, Engle, Kinter, Nelson, Patch and Svennungsen of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Lamb, Larson, Lutz, McCulloch, Peabody, Triplett, Williams and Yegen of the House—29.

Those who voted for Mr. Stimmel were:

Messrs. Holte, Peterson and Smith of the House—3.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate—2.

Mr. Walton being absent and excused.

Mr. Oliver moved

That the Joint Session do now proceed to take the seventh ballot.

Mr. Little moved

That the Joint Session do now dissolve.

Roll call demanded.

The roll being called there were 91 votes cast, of which there were ayes, 36; nays, 55.

Those who voted in the affirmative were:

Almen, Bisbee, Enger, Fuller, Ink, Johnson of Traill, Johnson of Ward, Kinter Kuhn, LaMoure, Little, Palmer, Svennungsen, Svensrud, Weiser and Worst of the Senate, and Messrs. Bjornson, Christainson, Colosky, Fiske, Foss, Haight, Hanson, Havrevold, Hill, Lamb, Loring, Lutz, McCulloch, Richie, Skinner, Strom, Wallen, Ward, White and Mr. Speaker of the House.

Those who voted in the negative were:

Messrs. Arnold, Bidlake, Bjorgo, Brynjolfson, Cashel, Engle, Haggart, Lowry, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Patch and Pinkham of the Senate, and Axvig, Beardsley, Brooke, Brown, Burke, Burton, Cope, Cunningham, Daily, Daniels, Davis, Dennett, Douglas, Ebbinghausen, Erickson, Farrah, Fay, Gill, Graber, Hall, Hodgson, Holte, Holritz, Horgan, Kearney, Larson, Loomis, McKendry, Noltmier, Oliver, Osgood, Peabody, Peterson, Satterlund, Smith, Thompson, Triplett, Tufts, Watson, Williams and Yegen of the House.

Mr. Nelson of the Senate and Mr. Walton of the House being absent and not voting.

And so the motion to dissolve the Joint Session was lost.

Mr. President called Mr. Pinkham, President pro. tem. of the Senate, to the Chair.

SEVENTH BALLOT.

The Joint Session then proceeded to take the seventh ballot.

The roll being called there were 92 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 25, Mr. Miller 14, Mr. Stimmel 3, Mr. Lounsbury 4, Mr. Muir 3, Mr. McCormack 23, Mr. Budge 1.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were: Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson, Pinkham of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Tufts and Watson of the House—25.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill, Svennungsen and Weiser of the Senate, and Messrs. Bjornson, Christianson, Foss,

Hanson Hodgson, Noltimier, Strom, Wallen and White of the House—14.

Those who voted for Mr. Lounsberry were:

Messrs. Hodgson, Holritz, Lamb and Yegen of the House—4.

Those who voted for Mr. Stimmel were:

Messrs. Holte, Peterson and Smith of the House—3.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate, and McCulloch of the House—3.

Mr. Brown voted for Mr. Budge.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Mr. Walton being absent and excused.

EIGHTH BALLOT.

Mr. Arnold moved

That the Joint Session do now proceed to take the eighth ballot,

Which motion prevailed, and

The Joint Session proceeded to take the eighth ballot.

The roll being called there were 92 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 26, Mr. Miller 13, Mr. Stimmel 3, Mr. Muir 3, Mr. Lounsberry 4, Mr. Budge 1, Mr. McCormack 23.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller and Pinkham of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Lamb, Lomis, McKendry, Oliver, Osgood, Peabody, Satterlund Thompson, Tufts, Watson and Yegen of the House—26.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Trail and Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen and White of the House—13.

Those who voted for Mr. Stimmel were:

Messrs. Holte, Peterson and Smith of the House—3.

Those who voted for Mr. Lounsberry were:

Messrs. Nelson and Weiser of the Senate, and Messrs. Hodgson and Holritz of the House—4.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate, and Mr. McCulloch of the House—3.

Mr. Brown voted for Mr. Budge.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbinghausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Mr. Walton being absent and excused.

Mr. Oliver moved

That the Joint Session proceed to take the ninth ballot.

Mr. White moved

To dissolve the Joint Session.

Roll call demanded.

The roll being called there were ayes, 46; nays, 46, and the President pro. tem. of the Joint Session declared the motion lost.

Those who voted in the affirmative were:

Messrs. Almen, Bisbee, Enger, Fuller, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Little, Palmer, Svenningsen, Svensrud, Weiser and Worst of the Senate, and Bjornson, Brown, Christianson, Colosky, Fiske, Foss, Graber, Haight, Hanson, Havrevold, Hill, Hodgson, Holte, Kearney, Lamb, Larson, Loring, Lutz, McCulloch, Noltimier, Peterson, Richie, Skinner, Smith, Strom, Wallen, Ward, White, Yegen and Mr. Speaker of the House.

Those who voted in the negative were:

Messrs. Arnold, Bidlake, Bjorgo, Brynjolfson, Cashel, Engle, Haggart, Lowry, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Nelson, Patch and Pinkham of the Senate, and Messrs. Axvig, Beardsley, Brooke, Burke, Burton, Cope, Cunningham, Daily, Daniels, Davis, Dennett, Douglas, Ebbighausen, Erickson, Farrah, Fay, Gill, Hall, Holritz, Horgan, Loomis, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Triplett, Tufts, Watson, and Williams of the House.

Mr. Walton being absent and excused.

And so the motion to dissolve the Joint Session was lost.

NINTH BALLOT.

The Joint Session proceeded to take the ninth ballot.

The roll being called there were 91 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 26, Mr. Miller 14, Mr. Stimmel 3, Mr. Lounsberry 2, Mr. Muir 3, Mr. Budge 1, Mr. McCormack 23.

Those who voted for Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Palmer, Svensrud and Worst of the Senate, and Messrs. Colosky, Fiske, Graber, Haight, Havrevold, Loring, Richie, Skinner, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson and Pinkham of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Loomis, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Watson and Yegen of the House—26.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Trail, Svennungsen and Weiser of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom, Wallen and White of the House—14.

Those who voted for Mr. Stimmel were:

Messrs. Holte, Peterson and Smith of the House—3.

Those who voted for Mr. Lounsberry were:

Messrs. Hodgson and Holritz of the House—2.

Mr. Brown voted for Mr. Budge.

Those who voted for Mr. Muir were:

Mr. McCormack of Grand Forks of the Senate, and Messrs. Lamb and McCulloch of the House—3.

Those who voted for McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Mr. Fuller of the Senate and Mr. Walton of the House being absent and not voting.

Mr. Walton being excused.

Mr. Haggart moved

That the Joint Session do now dissolve,

Which motion prevailed, and

The Joint Session dissolved.

J. G. HAMILTON,
Clerk of the Joint Session.

HOUSE RECONVENED.

Mr. Strom moved

That when the House adjourn it be to meet again at 11:30 o'clock a. m. to-morrow.

Which motion prevailed.

Mr. Brown moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES, BISMARCK, NORTH DAKOTA, January 23, 1891.

The House assembled at 11:30 o'clock a. m. pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

Mr. Strom introduced the following resolution and moved its adoption; be it

Resolved, That the Chief Clerk forthwith notify the Senate that the House is now in readiness to receive it in Joint Session to ballot for the election of a United State Senator,

Which motion prevailed, and

The resolution was adopted.

Mr. Triplett moved

That the Speaker appoint a committee of three to escort the members of the Senate to seats in the House,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Triplett, Loomis and Erickson.

Mr. Speaker continued the same committee to examine and correct the Journal.

The Sergeant-at-Arms announced the members of the Senate and officers thereof, with the House committee escorting, in waiting.

JOINT SESSION.

The Joint Session of the two Houses was called to order by the Lieutenant Governor, the President of the Senate.

The rolls of the respective Houses were called.

All the members present except Mr. Walton of the House, who was excused.

The Journal of the Joint Session of the 22nd inst. was read.

Mr. Arnold moved

That the reading of names on ballots taken be dispensed with,
Which motion prevailed.

The Journal of the Joint Session was approved.

TENTH BALLOT.

Mr. Svensrud moved

That the Joint Session do now proceed to take the tenth ballot.

Which motion prevailed, and

The roll being called there were 92 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 27, Mr. Miller 12, Mr. Lounsberry 1, Mr. Muir 8, Mr. McCormack 23, Mr. Budge 2.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Svensrud and Worst of the Senate, and Messrs. Fiske, Haight, Havrevold, Holte, Loring, Richie, Skinner, Smith, Ward and Mr. Speaker of the House—18.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Palmer, Pinkham and Weiser of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Holritz, Loomis, McKendry, Oliver, Osgood, Satterlund, Thompson, Tufts, Watson and White of the House.—27.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill, Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom and Wallen of the House—12.

Mr. Peterson of the House voted for Mr. Lounsberry.

Those who voted for Mr. Muir were:

Messrs. Fuller, McCormack of Grand Forks and Nelson of the Senate, and Messrs. Hodgson, Lamb, McCulloch, Peabody and Yegen of the House—8.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunning-

ham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House.—23.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House.

Absent and not voting: Messrs. Graber and Walton of the House,

Mr. Walton being excused.

ELEVENTH BALLOT.

Mr. Arnold moved

That the Joint Session do now proceed to take the eleventh ballot,

Which motion prevailed, and

The roll being called there were 91 votes cast, of which Mr. Pierce received 19, Mr. Hansbrough 28, Mr. Miller 13, Mr. Muir 6, Mr. McCormack 23, Mr. Budge 2.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Fuller, Ink, Johnson of Ward, Kuhn, LaMoire, Little, Svensrud and Worst of the Senate, and Messrs. Fiske, Haight, Havrevold, Holte, Loring, Richie, Skinner, Smith, Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Pinkham and Weiser of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Holritz, Loomis, McKendry, Oliver, Osgood, Satterlund, Thompson, Tufts, Watson and White of the House—28.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill and Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Peterson, Strom and Wallen of the House—13.

Those who voted for Mr. Muir were:

Mr. McCormack of Grand Forks of the Senate, and Messrs. Hodgson, Lamb, McCulloch, Peabody and Yegen of the House.—6.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House—2.

Absent and not voting: Messrs. Graber and Walton of the House,

Mr. Walton being excused.

TWELFTH BALLOT.

Mr. Arnold moved to proceed to take the twelfth ballot,
Which motion prevailed, and

The roll being called there were 90 votes cast, of which Mr. Pierce received 18, Mr. Hansbrough 30, Mr. Miller 12, Mr. Muir 5, Mr. McCormack 23, Mr. Budge 2.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little, Svensrud and Worst of the Senate, and Messrs. Fiske, Haight, Havrevold, Holte, Loring, Richie, Skinner, Smith, Ward and Mr. Speaker of the House—18.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Pinkham and Weiser of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Holritz, Loomis, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Tufts, Watson, White and Yegen of the House—30.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Trail and Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson, Hill, Noltimier, Strom and Wallen of the House—12.

Those who voted Mr. Muir were: *

Mr. McCormack of Grand Forks of the Senate, and Messrs. Hodgson, Lamb, McCulloch and Peterson of the House—5.

Those who voted for Mr. McCormack were:

Messrs. Bidiake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House—2.

Absent and not voting Mr. Fuller of the Senate, and Messrs. Graber and Walton of the House.

Mr. Walton being excused.

THIRTEENTH BALLOT.

Mr. Arnold moved
To proceed to the thirteenth ballot.

Mr. Ink moved
That the Joint Session do now dissolve.

Roll call demanded.

The roll being called there were ayes 45, nays 46.

Those who voted in the affirmative were:

Messrs. Almen, Bisbee, Enger, Fuller, Iuk, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Little, Palmer, Patch, Svennungsen, Svensrud and Worst of the Senate, and Messrs. Brown, Christianson, Colosky, Farrah, Fiske, Foss, Haight, Hanson, Havrevold, Hill, Hodgson, Holte, Kearney, Lamb, Larson, Loring, Lutz, McCulloch, Noltimier, Peterson, Richie, Skinner, Smith, Strom, Wallen, Ward, Williams, Yegen and Mr. Speaker of the House.

Those who voted in the negative were:

Messrs. Arnold, Bidlake, Bjorgo, Brynjolfson, Cashel, Engle, Haggart, Lowry, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Nelson, Pinkham and Weiser of the Senate, and Messrs. Axvig, Beardsley, Bjornson, Brooke, Burke, Burton, Cope, Cunningham, Daily, Daniels, Davis, Dennett, Douglas, Ebbinghausen, Erickson, Fay, Gill, Hall, Holritz, Horgan, Loomis, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Triplett, Tufts, Watson and White of the House.

Absent and not voting: Messrs. Graber and Walton of the House.

Mr. Walton being excused.

And so the motion to dissolve the Joint Session was lost.

Mr. Little moved that the Joint Session do now take a recess until 4 o'clock.

Roll call demanded.

The roll being called there were ayes, 36; nays, 54.

Those who voted in the affirmative were:

Messrs. Almen, Bisbee, Bjorgo, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Little, Svennungsen, Svensrud, and Worst of the Senate, and Messrs. Brown, Christianson, Colosky, Fiske, Foss, Haight, Hanson, Havrevold, Hill, Hodgson, Holte, Loring, Lutz, Noltimier, Peterson, Richie, Skinner, Smith, Strom, Wallen, Ward, and Mr. Speaker of the House

Those who voted in the negative were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Engle, Fuller, Haggart, Lowry, McCormack of Grand Forks, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Patch, Pinkham and Weiser of the Senate, and Messrs. Axvig, Beardsley, Bjornson, Brooke, Burke, Burton, Cunningham, Daily, Daniels, Davis, Dennett, Douglas, Ebbighausen, Erickson, Farrah, Fay, Gill, Hall, Holritz, Horgan, Kearney, Lamb, Larson, Loomis, McCulloch, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Triplett, Tufts, Watson, White, Williams and Yegen of the House.

Absent and not voting Messrs. Cope, Graber and Walton of the House.

Mr. Walton being excused.

And so the motion to take a recess until 4 o'clock was lost.

Mr. Little demanded a call of the Joint Session,
Which was withdrawn.

The question recurring on the motion of Mr. Arnold to proceed
to take the thirteenth ballot,
The motion prevailed, and
The thirteenth ballot was proceeded with.

The roll being called there were 90 votes cast, of which Mr.
Pierce received 19, Mr. Hansbrough 31, Mr. Miller 12, Mr. Muir
4, Mr. McCormack 22, Mr. Budge 2.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Ink, Johnson of Ward, Kuhn, LaMoure, Little,
Svensrud and Worst of the Senate, and Messrs. Fiske, Haight,
Havrevold, Holte, Loring, Peterson, Rickie, Skinner, Smith,
Ward and Mr. Speaker of the House—19.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Haggart, Lowry, McCormick of Ram-
sey, McGillivray, Miller, Nelson, Palmer, Pinkham and Weiser of
the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erick-
son, Fay, Gill, Holritz, Lamb, Loomis, McKendry, Oliver, Os-
good, Peabody, Satterlund, Thompson, Tufts, Watson, White and
Yegen of the House—31.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Trill and Svennungson of
the Senate, and Messrs. Bjornson, Christianson, Foss, Hanson,
Hill, Noltimier, Strom and Wallen of the House—12.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks, of the Sen-
ate, and Messrs. Hodgson and McCulloch of the House—4.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of
the Senate, and Messrs. Axvig, Brooke, Burke, Cunningham, Daily,
Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney,
Larson, Lutz, Triplett and Williams of the House—22.

Those who voted for Mr. Budge were:

Messrs. Brown and Colosky of the House.

Messrs. Cope, Graber and Walton of the House being absent
and not voting.

Mr. Walton being excused.

Mr. Bidlake moved

That the Joint Session take a recess of fifteen minutes,

Which motion prevailed, and

The Joint Session took a recess of fifteen minutes.

Joint Session reassembled.

Mr. Bidlake moved

That the Joint Session take a recess until 4:30 o'clock p. m.,
Which motion prevailed, and
The Joint Session took a recess until 4:30 o'clock p. m.

The Joint Session reassembled at 4:30 o'clock p. m. and the fourteenth ballot was proceeded with.

FOURTEENTH BALLOT.

The roll being called there were 93 votes cast, of which Mr. Pierce received 9, Mr. Hansbrough 32, Mr. Miller 14, Mr. Lounsberry 1, Mr. Muir 4, Mr. McCormack 23, Mr. Budge 2, Mr. Ball 8.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Kuhn and Worst of the Senate, and Messrs. Haight, Havrevold, Loring, Richie, Skinner and Mr. Speaker of the House—9.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, Johnson of Ward, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Pinkham, Svennungsen and Weiser of the Senate, and Messrs. Beardsley, Burton, Davis, Dennett, Erickson, Fay, Gill, Holte, Holritz, Lamb, McKendry, Oliver, Osgood, Peabody, Satterlund, Thompson, Tufts, Watson, White and Yegen of the House—32.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill and Svennungsen of the Senate, and Messrs. Bjornson, Christianson, Foss, Graber, Hanson, Hill, Noltimier, Peterson, Strom and Wallen of the House—14.

Those who voted for Mr. Ball were:

Messrs. Haggart, Ink, LaMoure and Little of the Senate, and Messrs. Fiske, Loomis, Smith and Ward of the House—8.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate, and Messrs. Hodgson and McCulloch of the House—4.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbinghausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—23.

Mr. Walton of the House voted for Mr. Lounsberry.

Messrs. Brown and Colosky of the House voted for Mr. Budge.

FIFTEENTH BALLOT.

Mr. Little moved

That the Joint Session do now take a recess of ten minutes,

Which motion was lost.

Mr. Arnold moved

To proceed to take the fifteenth ballot,

Which motion prevailed, and

The roll being called there were 93 votes cast, of which Mr. Pierce received 8, Mr. Hansbrough 41, Mr. Miller 4, Mr. Muir 5, Mr. McCormack 23, Mr. Budge 2, Mr. Ball 10.

Those who voted for Mr. Pierce were:

Messrs. Bisbee, Kuhn and Worst of the Senate, and Messrs. Havrevold, Loring, Richie, Skinner, and Mr. Speaker of the House—8.

Those who voted for Mr. Hansbrough were:

Messrs. Almen, Arnold, Cashel, Unger, Johnson of Traill, Johnson of Ward, Lowry, McCormick of Ramsey McGillivray, Miller, Nelson, Palmer, Pinkham, Svennungsen and Weiser of the Senate, and Messrs. Beardsley, Bjornson, Burton, Christianson, Davis, Dennett, Erickson, Fay, Foss, Gill, Hill, Holte, Holritz, Lamb, McKendry, Oliver, Peabody, Satterlund, Strom, Thompson, Tufts, Wallen, Walton, Watson, White and Yegen of the House—41.

Those who voted for Mr. Miller were:

Messrs. Svensrud of the Senate, and Messrs. Graber, Hanson and Noltmier of the House—4.

Those who voted for Mr. Ball were:

Messrs. Haggart, Ink, LaMoure and Little of the Senate, and Messrs. Fiske, Haight, Loomis, Osgood, Smith and Ward of the House—10.

Those who voted for Mr. Muir were:

Messrs. Fuller and McCormack of Grand Forks of the Senate, and Messrs. Hodgson, McCulloch and Peterson of the House—5.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter, and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett, and Williams of the House—23.

Those who voted for Mr. Budge were Messrs. Brown and Colosky of the House.

Mr. Triplett moved

That the Joint Session do now take an informal recess of ten minutes.

Which motion prevailed, and

The Joint Session took an informal recess.

The Joint Session reassembled and proceeded to take the sixteenth ballot.

SIXTEENTH BALLOT.

The roll being called there were 92 votes cast of which Mr. Pierce received 8, Mr. Hansbrough 42, Mr. Miller 3, Mr. Muir 5, Mr. McCormack 22, and Mr. Ball 12.

Those who voted for Mr. Pierce were:

Messrs. Ink, Kuhn and Worst of the Senate, and Messrs. Havrevold, Loring, Richie, Skinner and Mr. Speaker of the House—8.

Those who voted for Mr. Hansbrough were:

Messrs. Almen, Arnold, Bisbee, Cashel, Enger, Johnson of Traill, Johnson of Ward, Lowry, McCormick of Ramsey, McGillivray, Nelson, Palmer, Pinkham, Svennungsen, Svensrud and Weiser of the Senate, and Messrs. Beardsley, Bjornson, Burton, Christianson, Davis, Dennett, Erickson, Fay, Gill, Hanson, Hill, Hodgson, Holte, Holritz, Lamb, Oliver, Peabody, Satterlund, Strom, Thompson, Tufts, Wallen, Walton, Watson, White and Yegen of the House—42.

Those who voted for Mr. Miller were:

Messrs. Foss, Graber and Noltimier of the House—3.

Those who voted for Mr. Ball were:

Messrs. Haggart, LaMoure and Little of the Senate, and Messrs. Brown, Colosky, Fiske, Haight, Loomis, McKendry, Osgood, Smith and Ward of the House—12.

Those who voted for Mr. Muir were:

Messrs. Fuller, Kinter and McCormack, of Grand Forks of the Senate, and Messrs. McCulloch and Peterson of the House—5.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Byrnjolfson, Engle and Patch of the Senate, and Messrs. Axvig, Brooke, Burke, Cope, Cunningham, Daily, Daniels, Douglas, Ebbighausen, Farrah, Hall, Horgan, Kearney, Larson, Lutz, Triplett and Williams of the House—22.

Mr. Miller of the Senate being absent and not voting.

SEVENTEENTH BALLOT.

Mr. Arnold moved

That the Joint Session do now proceed to take the seventeenth ballot,

Which motion prevailed, and

The roll being called there were 93 votes cast of which Mr. Pierce received 9, Mr. Hansbrough 67, Mr. Miller 2, Mr. Muir 5, Mr. McCormack 9, and Mr. Budge 1.

Those who voted for Mr. Pierce were:

Messrs. Little and Worst of the Senate, and Messrs. Fiske, Haight, Havrevold, Loring, Skinner, Ward and Mr. Speaker of the House—9.

Those who voted for Mr. Hansbrough were:

Messrs. Almen, Arnold, Bidlake, Bisbee, Brynjolfson, Cashel, Engle, Enger, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, McCormick of Ramsey, McGillivray, Miller, Nelson, Palmer, Patch, Pinkham, Svennungson, Svensrud and Weiser of the Senate, and Messrs. Axvig, Beardsley, Bjornson, Burke, Burton, Christianson, Colosky, Cunningham, Daily, Daniels, Davis, Dennett, Douglas, Ebbinghausen, Erickson, Farrah, Fay, Gill, Graber, Hanson, Hill, Holte, Holritz, Horgan, Lamb, Loomis, McCulloch, McKendry, Oliver, Osgood, Peterson, Richie, Satterlund, Smith, Strom, Thompson, Tufts, Wallen, Walton, Watson, White and Yegen of the House—67.

Those who voted for Mr. Miller were:

Messrs. Foss and Noltmier of the House—2.

Those who voted for Mr. Muir were:

Messrs. Fuller, LaMoure and McCormack of Grand Forks of the Senate, and Messrs. Hodgson and Peabody of the House—5.

Those who voted for Mr. McCormack were:

Mr. Bjorgo of the Senate, and Messrs. Brooke, Cope, Hall, Kearney, Larson, Lutz, Triplett and Williams of the House—9.

Mr. Brown of the House voted for Mr. Budge.

Henry C. Hansbrough having received a majority of all the votes cast by the Senators and Representatives of the Legislative Assembly of North Dakota, Mr. President and the Joint Assembly formally declared Henry C. Hansbrough duly elected United States Senator from the State of North Dakota for the term of six years commencing March 4th next.

Mr. McCormick of Ramsey moved

That a Committee of three be appointed to inform Mr. Hansbrough of his election,

Which motion prevailed, and

Mr. President appointed as such Committee Messrs. McCormick of Ramsey, Beardsley and Cashel.

The Special Committee returned escorting the Hon. H. C. Hansbrough, who was introduced by the President, and

Mr. Hansbrough addressed the Joint Assembly.

Mr. President announced an informal recess.

Joint Session reconvened.

The following certificate was then signed in the presence of the Joint Session, and read by the Clerk of the Joint Session.

STATE OF NORTH DAKOTA, }
HALL OF THE HOUSE OF REPRESENTATIVES. }

This is to certify, that at a meeting of the two Houses of the Legislative Assembly of the State of North Dakota, in Joint Assembly held on Wednesday, the 21st day of January, A. D. 1891, at noon, a majority of all the members of each House being present and voting, it was found upon the Journals of the respective Houses, that upon Tuesday the 20th day of January, A. D.

1891, and after the meeting and organization of the Legislative Assembly, each House had by an open *viva voce* vote, voted for a United States Senator, and that the same person had not received a majority of all the votes cast in each House; thereupon both Houses in Joint Assembly on Wednesday the 21st day of January, A. D. 1891, at noon met and proceeded to ballot for a United States Senator; the same person not receiving a majority of all the votes cast, the said Joint Assembly dissolved and reconvened on Thursday, the 22d day of January, A. D. 1891, at noon and proceeded to ballot for United States Senator, and the same person not receiving a majority of all the votes cast, the said Joint Assembly dissolved and reconvened on Friday, the 23d day of January, A. D. 1891, at noon and proceeded to ballot for United States Senator, thereupon said Joint Assembly by an open *viva voce* vote of the members present, a majority of all the Senators and Representatives elect being present and voting, named Henry C. Hansbrough, of Ramsey county, State of North Dakota, as Senator in Congress for the State of North Dakota for the term beginning March 4, 1891, next, whereupon said Joint Assembly formally declared Henry C. Hansbrough of Ramsey county duly elected Senator to represent the State of North Dakota in the Congress of the United States.

ROGER ALLIN,
President of the Senate and Joint Assembly,
C. C. BOWSFIELD,
Secretary of the Senate,
W. B. ALLEN,
Speaker of the House,
J. G. HAMILTON,
Chief Clerk of the House and Clerk of the Joint Assembly.

The Journal of the Joint Session of to-day was read, and

Mr. Oliver moved

That the reading of the names on roll calls be dispensed with and results only be read,

Which motion prevailed, and

Mr. Oliver moved

That the Journal as read be approved,

Which motion prevailed, and

The Journal of the Joint Session was approved.

Mr. Arnold moved

That the Joint Session do now dissolve *sine die*,

Which motion prevailed, and

The Joint Session dissolved.

J. G. HAMILTON,
Clerk of the Joint Session.

HOUSE RECONVENED.

Mr. Oliver moved

That when the House adjourns it be to take a recess until Tuesday, January 27th, at 2 o'clock p. m.,

Which motion prevailed.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Cope, Daniels, Douglas, Ebbighausen, Erickson, Graber, Haight, Horgan, McCulloch, Noltimier, Triplett, Walton and Williams.

Mr. Oliver moved

That all absent members be excused for to-day,

Which motion prevailed.

Mr. Speaker appointed Mr. Daily a member of the Insurance Committee vice Mr. Brooke resigned.

The committee to revise and correct the Journal of the fifteenth day made the following report:

MR. SPEAKER:

Your Committee to whom was referred the Journal for correction would report that the Journal of the Joint Session was approved at its dissolution, and that no other business was transacted.

H. S. OLIVER,
Chairman.

PETITIONS AND COMMUNICATIONS.

Mr. Allen presented the following petition:

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

We, the undersigned, tax payers of Dickey county, respectfully petition your honorable body for the enactment of a law, "That all unpaid taxes for the year 1890 be extended to the 15th day of October, 1891, without penalty or interest," which action we ask for by reason of an almost total failure of our crops during the past two years.

This petition is circulated according to resolution unanimously adopted at a meeting of the Farmers' Club of Ludden, held January 14, 1891.

CHET H. BATEMAN,
Secretary.

C. E. TALLMADGE,
President.
And 35 Others.

Also, the following petition:

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

We, the undersigned citizens of Dickey county, in the State of North Dakota, do respectfully submit: That in our opinion the salaries of county officials are far too high in proportion to the present condition of the State, and its resources. In view of the fact that we are not in a position either to pay our taxes or our honest debts, and are now compelled to ask outside assistance in order to get our seed for another season; we think the present time a good one to endeavor to commence retrenchment. We are desirous to have a means whereby we can get nearer to the people in county government in order to reduce to the lowest possible figure consistent with good government, the salaries of the county officers.

We believe that the expenditures of the counties can be better handled by the people through their legal representatives of the county, and more to the satisfaction of the people, and that no "iron clad" law can be passed by the Legislature that can possibly cover the whole ground or meet the wants of the whole counties of the State. Therefore we ask that a law be passed at this session of the Legislature, giving the people, through their board of county commissioners or supervisors the right to fix the salaries of county officials. A law expansive and contractive in its nature as can be made to meet the requirements and circumstances of the sovereign people.

We also represent to your honorable body that the present mode of collecting taxes by the county treasurers is one that is inconvenient to the majority of our citizens, as well as expensive. We therefore ask that a law be passed at this session of the Legislature repealing the present one, and enacting one more in accordance with the wishes of the people. In our opinion it would be for the benefit of the people that the township treasurers be empowered to collect all taxes of the resident population of the various townships. We therefore ask your consideration of this petition at an early day and that a law be passed in accordance with our request.

C. E. TALLMADGE,
and 29 others.

Mr. Lutz moved

That the petitions be printed in the Journal, and that they be referred to their appropriate committees,

Which motion was lost.

Mr. Kearney moved

To lay the last petition upon the table,

Which motion was lost.

Mr. Richie moved

That the petition be referred to its appropriate committee,

Which motion prevailed, and

Mr. Speaker referred the petition to the Committee on Taxation and Tax Laws.

Mr. Speaker laid before the House the following communication:

LINCOLN, NEB., January 22, 1891.

To the Honorable Speaker of the House of Representatives, Bismarck, N. D.:
Enclosed find copy of a resolution passed by the House of Representa-

tives of Nebraska. Will you kindly bring the matter before your Legislature, and, if agreeable to the wishes of your honorable body, appoint a committee of conference and instruct them to correspond with us, notifying us of their appointment and wishes of your people?

JOHN J. GILLILAN,
C. D. SHRADER,
Committee.

WHEREAS, The present rate of interest allowed by law in the State of Nebraska is too high, and is fast transferring the wealth and earnings of the people of the State to eastern bankers; and,

WHEREAS, Many of the western states are suffering from the same cause; and,

WHEREAS, It might be injudicious for a single state to attempt to lower interest to a just rate without the concurrence of others, as the money power would concentrate their efforts upon the said state and attempt to make such law obnoxious to secure its repeal; therefore, be it

Resolved, That the Speaker be requested to appoint a committee of two, the Senate requested to add one to the committee at its earliest convenience, and said committee be instructed to correspond with the Legislatures of Kansas, Minnesota, Colorado, North Dakota, South Dakota, and such others as may be thought advisable, or with similar committees from said states, to agree upon a common rate of interest as low as may be thought practicable, and report to said legislatures at the earliest possible moment.

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

MOTIONS AND RESOLUTIONS.

Mr. Daily offered the following resolution and moved its adoption.

Resolved, That 500 extra copies of the Journal of the House be printed each time, five of which are to be laid on each members desk for distribution among their constituents.

Which motion prevailed, and
The resolution was adopted.

Mr. Oliver offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That a Special Committee of five be appointed, two of which shall be appointed by the President of the Senate, and three by the Speaker of the House, whose duty it shall be to revise Chapters 187, 188, 189 and 190 of the Laws of 1890, relating to Grain Grading, Warehousing and Shipping.

Which motion prevailed, and
The resolution was adopted.

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

CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate Concurring: That a Special Joint Committee consisting of five members, three from the

House, and two from the Senate, be appointed by the Speaker of the House and President of the Senate to inquire into the condition of our laws concerning public grain warehouses and to report promptly by bill or otherwise.

Which resolution and motion were withdrawn.

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

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring: That a joint committee consisting of five, three to be chosen by the Speaker of the House and two by the President of the Senate, be appointed, to whom shall be referred all bills introduced in either house, looking to a reform in the election laws, whose duty it shall be to compare all of said bills, and embody the best features of each in one bill, or if they deem this inexpedient, to incorporate the best features each in such bills as are necessary, said committee to be known as the "Joint Committee on Elections," and that one member from the Judiciary Committee in each house be upon such committee.

Which motion prevailed, and
The Concurrent Resolution was adopted.

Mr. Brooke offered the following resolution:

CONCURRENT RESOLUTION.

WHEREAS, This body has heard with regret the terrible death of the Hon. Henry W. Lord, a man distinguished in state and national councils, and for years the accredited representative of this nation abroad;

Be it Resolved by the House of Representatives, the Senate concurring: That in the death of the Hon. Henry W. Lord the State of North Dakota has lost a patriotic, pure and valuable citizen;

That a copy of this resolution, when adopted, be forwarded to the widow of the deceased at Detroit, Mich.

Mr. Burke moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

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

Resolved, That a committee of three be appointed to take such action as they shall deem advisable for the improvement of the acoustic properties of the hall of the House of Representatives; *Provided,* That the expenses thereof shall not exceed the sum of \$50.

Which motion prevailed, and
The resolution was adopted.

Mr. Oliver moved

That the Chief Clerk be instructed to have 500 copies of the rules and standing committees printed in manual form for use of members,

Which motion prevailed.

UNFINISHED BUSINESS.

Mr. Lutz moved

That the House do now proceed to the consideration of Governor Miller's message,

Which motion prevailed, and

The House proceeded to the consideration of Governor Miller's message.

Mr. Lutz moved

That the topic on "State Finances" be referred to the Committee on Ways and Means,

Which motion prevailed.

Mr. Brooke moved

That the topic on "Bonded Debt" be referred to the Committee on Public Debt,

Which motion prevailed.

The topic "Settlement with South Dakota" was referred to the Committee on State Affairs.

The topic "Assessment and Taxation" was referred to the Committee on Taxation and Tax Laws.

Mr. Richie moved

That the topic "Northern Pacific Delinquency" be referred to the Committee on Judiciary,

Which motion prevailed.

The topic "Penitentiary" was referred to the Joint Committee on Penal Institutions.

The topic "Hospital for the Insane" was referred to the Joint Committee on Charitable Institutions.

Mr. Beardsley moved

That the topic "University" be referred to the Committee on Education,

Which motion prevailed.

Mr. Brooke moved

That the topic "Deaf and Dumb School" be referred to the Committee on Charitable Institutions,

Which motion prevailed.

The topics, "Normal School at Mayville," "Normal School at Valley City" and "Agricultural College" were referred to the Committee on Education.

The topic "Public Lands" was referred to the Committee on School and Public Lands.

The topic "School Lands" was referred to the Committee on School and Public Lands.

The topic "Agriculture and Labor" was referred to the Committee on Agriculture and Labor.

The topic "Railroads and Warehouses" was referred to the Committee on Railroads.

The topic "Militia" was referred to the Committee on Military Affairs.

The topic "Library" was referred to the Joint Committee on Library.

The topic "Constitutional Convention deficiency" was referred to the Committee on State Affairs.

The topic "Reform School Scholars" was referred to the Joint Committee on Charitable Institutions.

The topic "World's Columbian Exposition" was referred to the Committee on State Affairs.

The topic "Public Schools" was referred to the Committee on Education.

The topics "Public Health" and "Veterinary Surgeon" were referred to the Committee on Public Health.

The topic "Insurance" was referred to the Committee on Insurance.

The topic "Secretary of State" was referred to the Committee on State Affairs.

The topics "State Banks" and "Public Examiner" were referred to the Committee on Banks and Banking.

The topic "Attorney General" was referred to the Committee on Judiciary.

The topic "Prohibition" was referred to the Committee on Temperance.

The topic "Lotteries" was referred to the Committee on State Affairs.

The topic "Seed Wheat" was referred to the Committee on State Affairs.

The topic "Indians" was referred to the Committee on Military Affairs.

The topic "Destitution" was referred to the Committee on State Affairs.

The topic "Pardons" was referred to the Joint Committee on Penal Institutions.

The inaugural address of Governor Burke was then considered by topics and referred as follows:

"Question of Intoxicating Liquors"—Committee on Temperance.

"Revenue and Taxation"—Committee on Taxation and Tax Laws.

"State Militia"—Committee on Military Affairs.

“Revision and Codification of the Laws”—Committee on Judiciary.

“Agriculture”—Committee on Agriculture.

“Immigration”—Committee on Agriculture.

“Election Reforms”—Committee on Elections and Privileges.

“Uniform State Text Books”—Committee on Education.

“The World’s Columbian Exposition”—Committee on State Affairs.

“Appropriations”—Committee on Appropriations.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 27, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled “An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled ‘An Act for the protection of the public credit,’ ”

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker appointed as the members of the Joint Committee on the part of House, to revise the laws relating to grain grading, and warehouses and shipping, Messrs. Tufts, Oliver and Lutz.

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

Resolved, That the Chief Clerk be instructed to have 2,500 copies of Governor Burke’s inaugural address printed for distribution among the members.

Which motion prevailed, and
The resolution was adopted.

Mr. Speaker announced an informal recess.

House reassembled.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 69,

A joint resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Have had the same under consideration and report the same back without recommendation.

Also,

House Bill No. 70,

A joint resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota.

And recommend that the same do pass.

Also,

House Bill No. 49,

A bill for an act for the protection of game,

And recommend that the same be amended as follows:

In Section 2, line 5 of the printed bill strike out the words "between the 1st day of January and 15th day of August."

In line 7 of the printed bill strike out the words "15th day of May" and substitute "1st day of January," and strike out the words "15th day of September" and insert in their place the words "20th day of August."

In lines 9 and 10 strike out the words "cultivated or enclosed"; strike out the word "another" in the same lines and insert in lieu thereof the word "resident."

And when so amended recommend that the said bill do pass.

FRED DENNETT,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred

House Bill No. 24,

A bill for an act to provide indemnity for damage to grain by hail,

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

In line 3 of Section 2 of the printed bill, change "September 1st" to "September 15th."

In line 5 of Section 8, change "15th day of September" to "1st day of October"

In line 1 of Section 10, change "1st" to "15th."

And when so amended recommend that said bill do pass.

J. C. GILL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Loring introduced—

House Bill No. 83,

A bill for an act to provide for a free and uniform system of text books.

Mr. Loring moved

That the first reading at length of House Bill No. 83 be deferred until the same shall be printed,

Which motion prevailed.

Mr. Peterson introduced—

House Bill No. 84,

A bill for an act to establish county uniformity of school text books,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the — day of August, A. D. 1890,

Which was read the first time.

Also,

House Bill No. 86,

A bill for an act to repeal Section 5137 of Article 2 of Chapter 13 of the Compiled Laws of 1887, relating to exemptions,

Which was read the first time.

Mr. Satterlund introduced—

House Bill No. 87,

A bill for an act to aid in the collection of wages by dispensing with security for costs in certain cases,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 88,

A bill for an act to prohibit and prevent the sale and manufacture of unhealthy and adulterated dairy products and to preserve the public health,

Mr. Gill moved

That the first reading at length of House Bill No. 88 be deferred until the same shall be printed.

Which motion prevailed.

Mr. McKendry introduced—

House Bill No. 89,

A bill for an act fixing the legal rate of interest and fixing penalties for charging or receiving a higher rate than such legal rate,

Which was read the first time.

Mr. Fay introduced—

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20, of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887,

Which was read the first time.

Also,

House Bill No. 91,

A bill for an act regulating the proceedings in attachment or execution against property owned jointly, in common or in partnership,

Which was read the first time.

Also,

House Bill No. 92,

A bill for an act to amend Section 1, Chapter 71, Laws of 1881, entitled "An Act to amend Sections 31 and 33 of Chapter 27 of the Political Code, being Section 1471 of the Compiled Laws of Dakota, 1887,"

Which was read the first time.

Mr. Tufts introduced—

House Bill No. 93.

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889,

Which was read the first time.

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

Resolved, That sixty extra copies each of House Bills Nos. 83 and 84 be printed for distribution.

Which motion prevailed, and
The resolution was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 75,

A bill for an act to amend Sections 2 and 3 of the Session Laws of 1887, regulating salaries of registers of deeds and county treasurers,

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

House Bill No. 76,

A bill for an act to protect sheep husbandry,

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

House Bill No. 77,

A bill for an act to provide for the payment of the expense of contested elections,

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

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 and 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1889 and to amend Sections 622, 523 and 633 of the Code of Civil Procedure,

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

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

Was read the second time, and referred to the Joint Committee on Penal Institutions.

House Bill No. 81,

A bill for an act to provide against false returns of property for taxation,

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

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of firearms or ammunition for the same to any Indians who are not citizens of the United States,

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

Mr. Strom moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Cope, Ebbighausen, Erickson, Horgan, McCulloch, McKendry and Noltimier, who were excused,

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to whom was referred the Journal of the House of the 27th inst. have examined the same and found it correct.

H. S. OLIVER,
Chairman.

Mr. Speaker appointed as the Committee to revise and correct the Journal of Tuesday, Messrs. Loring, Richie and Williams.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 28, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 19,

A bill for an act for paroling prisoners,

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

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

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. 61,

A bill for an act to donate and grant section 16, township 151 north, range 50, west of the 5th principal meridian, being in the county of Grand Forks and State of North Dakota, located in the city of Grand Forks in said Grand Forks county,

Have had the same under consideration and return the same to the House as requested.

A. L. LOOMIS,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

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

In Section 4, line 2, strike out the word "or," and after the word "procuring" insert the words "or forwarding."

And when so amended recommend that said bill do pass.

FRED DENNETT,
Chairman.

Mr. Oliver moved

To adopt the report of the Committee on State Affairs on House Bill No. 31,

Which motion prevailed, and

The report with amendments was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Section 224 of Chapter 58 of the Session Laws of 1879, entitled an act for the protection of the public credit,"

And find the same correctly engrossed.

C. J. CHRISTIANSON,
Member of the Committee.

Mr. Speaker announced his signature to

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit.'"

The Committee on Banking made the following report:

MR. SPEAKER:

Your Committee on Banking to whom was referred

House Bill No. 58,

A bill for an act for the protection of bank depositors,

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

H. S. OLIVER,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER.

Your Committee on Judiciary to whom was referred

House Bill No. 21,

A bill for an act to amend Section 5 of Chapter 127 of the Laws of North Dakota for 1890,

Have had the same under consideration and recommend the following substitute bill:

A BILL

For an Act to Amend Section 5 of an Act, Entitled "An Act Requiring Railroad Companies to Build and Keep in Repair Highway Crossings." Chapter 127, Session Laws of 1890.

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

SECTION 1. That Section 5 of Chapter 127, Session Laws of 1890, be and the same is hereby amended to read as follows:

"SEC. 2. Any railroad company which shall neglect to comply with the terms of this act shall be liable to pay damage to the county, city, town or village or township in which the highway is situated the sum of \$500 for such neglect, the same to be recovered in an action brought in the name of the county, city or town or township, as the case may be, and in all cases except when a city shall be a party to the action, it shall be the duty of the state's attorney to prosecute to judgment any claim arising under the foregoing provisions without compensation."

The committee further recommend that said substitute be referred to the Committee on Railroads.

Also,

House Bill No. 3,

A bill for an act to amend Section 81 of Chapter 62 of School Laws of 1890.

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

A bill for an act to amend Section 81 of "An act entitled an act to provide or a uniform system of free public schools throughout the State, and to pre-

scribe penalties for violation of the provisions thereof," Chapter 62, Session Laws of 1890.

And when so amended the same be referred to the Committee on Education.

GEO. H. FAY,
Chairman.

Mr. Hill moved

That the report of the Judiciary Committee on House Bill No. 3 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. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

Have had the same under consideration and recommend that the title of the bill be amended to read as follows:

A bill for an act to amend Section 3 of an act entitled "An act to fix the compensation of the county judges of the county courts, and providing a fund to reimburse the county for the same," Chapter 50 of the Session Laws of 1890.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 53,

A bill for an act to amend Section 619 of the Compiled Laws of the State of North Dakota,

Have had the same under consideration and recommend the following substitute and recommend its adoption:

A BILL

For An Act to Amend Section 2 of an Act Entitled "An Act Providing for Certain Legal Printing and Fixing the Compensation Therefor," Chapter 51 Session Laws of 1887.

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

SECTION 1. That Section 2 of Chapter 51 of the Session Laws of 1887 be amended to read as follows:

SEC. 2. It shall be the duty of the board of county commissioners of the several counties of the State of North Dakota, to cause to be published in one newspaper by said commissioners designated as the official paper of such county, a full and complete report of all their official proceedings at each regular and special meeting; such proceedings, to be published as soon after any meeting of the commissioners as practicable, and the board of county commissioners shall allow for such publications, at the rate of twenty-five cents per square of twelve lines brier type, or its equivalent to such newspaper designated to publish such proceedings, upon the filing of an affidavit of publication, executed in proper form by the publisher of such newspaper with the county auditor of such county; *Provided, further,* That in case there shall be a county in this State, having no newspaper published therein, then the board of county commissioners of such county shall cause such proceedings to be

posted in three public places within such county, one of which places shall be the office of the county auditor of such county.

Also,

House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890,

Have had the same under consideration and recommend that the title be amended to read as follows, to-wit:

A bill for an act to amend Section 1 of an act entitled "An act to amend Sections 1, 2, and 3 of Chapter 63 of the General Laws of 1881, relating to sheep husbandry," Chapter 157, Session Laws of 1890.

And recommend the bill, when so amended, to be referred to the Committee on Sheep Husbandry.

Also,

House Bill No. 56,

A bill for an act to repeal Chapter 138, Laws of 1890, approved March 31, 1890,

Have had the same under consideration, and recommend that the title of said bill be amended to read as follows:

A bill for an act to repeal an act, entitled "An Act to provide for the licensing of public warehouses," Chapter 138, Session Laws of 1890.

Also amend Section 1 as follows:

SECTION 1. That Chapter 138 of the Laws of 1890, approved March 31, 1890, entitled "An Act to provide for the licensing of public warehouses," be and the same is hereby repealed.

And when so amended recommend that the bill be referred to the Committee on Warehouses, Grain Grading and Dealing.

Also,

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66 of the Session Laws of 1890,

Have had the same under consideration and recommend that the title of the bill be amended to read as follows:

A bill for an act to amend Sections 3 and 4 of Chapter 66, Session Laws of 1890, entitled "An Act providing for the retention and disposal of estrays."

And when so amended recommend that said bill do pass.

GEO. H. FAY,
Chairman.

Mr. Hill moved

To adopt the report of the Committee on Judiciary on House Bill No. 22,

Which motion prevailed, and

The report was adopted.

Mr. Larson moved

To adopt the report of the Committee on Judiciary on House Bill No. 56,

Which motion prevailed, and

The report was adopted.

Mr. Graber moved

To adopt the report of the Committee on Judiciary on House Bill No. 54,

Which motion prevailed, and

The report was adopted.

Mr. Speaker announced as the committee to adjust the acoustic properties of the hall of the House, Messrs. Gill, Williams and Loomis.

MOTIONS AND RESOLUTIONS.

Mr. Dennett requested that House Bill No. 70 be referred back to the Committee on State Affairs for correction,

Which request was granted, and the bill was so referred.

Mr. Burke offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Requesting the States Attorneys in and for their respective counties to take immediate steps to enforce the provisions of an act entitled "An act to provide for the organization and government of state banks;"

WHEREAS, The First Legislative Assembly of the State of North Dakota passed an act entitled "An act to provide for the organization and government of state banks;" and,

WHEREAS, There are many banking institutions within the State, doing a regular banking business without having complied with the provisions of said act; therefore,

Be it resolved by the House of Representatives, the Senate concurring: That the States Attorneys in and for their respective counties are hereby requested to take immediate action to enforce the provisions of said act.

Mr. Burton moved

To adopt the resolution,

Which motion prevailed, and

The Concurrent Resolution was adopted.

INTRODUCTION AND FIRST READING OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Brooke introduced—

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey,

Which was read the first time, and

Mr. Burke moved

That the bill be now read the second time by its title and referred to the Committee on Judiciary,

Which motion prevailed, and

House Bill No. 94 was read the second time and referred to the Committee on Judiciary.

Mr. Brooke introduced—

House Bill No. 95,

A bill for an act providing for the correction of assessments after the adjournment of the board of equalization,

Which was read the first time.

Mr. Yegen (by request) introduced—

House Bill No. 96.

A bill for an act to prevent fraud upon travelers and railroads and other corporations in the sale and use of tickets,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Which was read the first time.

Mr. Dennett introduced—

House Bill No. 98,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

Which was read the first time.

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120, of the General Laws of 1890, entitled "An Act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

Which was read the first time.

Mr. Watson introduced—

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota,

Which was read the first time.

Mr. Strom introduced—

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 102,

A bill for an act to repeal Chapter 88 of the Laws of 1890, approved March 7, 1890,

Which was read the first time.

Mr. Thompson introduced—

House Bill No. 103,

A bill for an act to establish reasonable maximum rates of

charges for the transportation of freight and property on the different railroads of this State.

Mr. Foss moved

That the first reading of House Bill No. 103 be deferred until the same shall be printed,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 83,

A bill for an act to provide for a free and uniform system of text books,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 84,

A bill for an act to establish county uniformity of school text books,

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

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the —— day of August, A. D. 1890,

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

House Bill No. 86,

A bill for an act to repeal Section 5137 of Article 2 of Chapter 13 of the Compiled Laws of 1887, relating to exemptions,

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

House Bill No. 87,

A bill for an act to aid in the collection of wages by dispensing with security for costs in certain cases,

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

House Bill No. 89,

A bill for an act fixing the legal rate of interest and fixing penalties for charging or receiving a higher rate than such legal rate,

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

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20 of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887,

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

House Bill No. 91,

A bill for an act regulating the proceedings in attachment or execution against property owned jointly, in common or in partnership,

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

House Bill No. 92,

A bill for an act to amend Section 1, Chapter 71, Laws of 1881, entitled "An act to amend Sections 31 and 33 of Chapter 27 of the Political Code, being Section 1471 of the Compiled Laws of Dakota, 1887,"

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

House Bill No. 93,

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889,

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

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 28, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House Concurrent Resolution for a constitutional amendment to prohibit lotteries.

Also,

That the Senate has concurred in the House Concurrent Resolution for the appointment of a committee of five to revise the laws relating to revenue and taxation, and that the President pro tem. has appointed as members of such committee on part of the Senate Messrs. Worst and Arnold.

C. C. BOWSFIELD,
Secretary.

Mr. Loring moved

That House Bill No. 83 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 83,

A bill for an act to provide for a free and uniform system of text books,

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

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

Also,

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An act relating to marriage and providing licenses,"

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

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

The question being upon the passage of the bill,

The roll being called there were ayes 51, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burke,
Burton,
Christianson,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Farrah,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brown,
Cope,
Cunningham,

Messrs—

Ebbighausen,
Erickson,
Horgan,

Messrs—

McCulloch,
McKendry,
Noltimier.

Messrs. Brooke and Williams voting in the negative.

Messrs. Cope, Ebbighausen, Erickson, Horgan, McCulloch
McKendry and Noltimier being excused.

Mr. Burke explained his vote.

So the bill passed and

The question being upon the title of the bill,

The title was amended to read: "A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of fuel that shall be used in the various State institutions."

Mr. Speaker announced his signature to

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883.

Also,

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws, and provided with boards of education."

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An Act relating to marriage and providing licenses,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 51, nays 4.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Farrah,
Fay,
Fiske,
Foss.

Messrs—

Gill,
Grabner,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Bjornson,

Messrs—

Oliver,

Messrs—

Walton.

Absent and not voting:

Messrs—

Cope,
Ebbighausen,
Erickson,

Messrs—

Horgan,
McCulloch,

Messrs—

McKendry,
Noltmier.

Messrs. Cope, Ebbighausen, Erickson, Horgan, McCulloch, McKendry and Noltmier being excused.

And so the bill passed, and the title was agreed to.

FIRST READING OF SENATE BILLS.

Senate Bill No. 19,

A bill for an act for paroling prisoners,

Was read the first time, and

Mr. Brooke moved that the bill be read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 19,

A bill for an act paroling prisoners,

Was read the second time and referred to the Joint Committee on Penal Institutions.

COMMITTEE OF THE WHOLE.

Mr. Lutz moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Loring to the chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No 52,

A bill for an act for the prevention of prairie fires and to provide against damage being done by them,

And recommend that the bill be referred to the Committee on State Affairs, to be held there until action is taken on Senate Bill No. 82.

Also,

House Bill No. 43,

A bill for an act in relation to practice in the district courts of the State,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 49,

A bill for an act for the protection of game,

And recommend that Section 1 be amended as follows:

In line 6 strike out the words "wild duck or snipe, or goose or brant, or plover or curlew."

Also,

Recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In Section 2, line 5 of the printed bill, strike out the words "between the 1st day of January and 15th day of August."

In line 7 of the printed bill strike out the words "15th day of May" and substitute "1st day of January," and strike out the words "15th day of September" and insert in their place the words "20th day of August."

In lines 9 and 10 strike out the words "cultivated or enclosed"; strike out the word "another" in the same lines and insert in lieu thereof the word "resident."

And when so amended recommend that said bill do pass.

GEO. K. LORING,
Chairman.

Mr. Hill moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Speaker appointed as the Committee to investigate the cost of railways and the amount of taxes paid by them, Messrs. Gill, Tufts and Cunningham.

Mr. Beardsley moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 29, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. McCulloch, McKendry and Peterson, who were excused.

The committee to examine and correct the Journal submitted the following report:

MR. SPEAKER:

Your committee appointed to correct the Journal of the House for the Twenty-third day, find and report that the Journal is correct.

G. K. LORING,
Chairman.

The courtesies of the floor were extended to Judge L. T. Hamilton of Jamestown.

Mr. Speaker continued the same committee to correct the Journal.

PRESENTATION OF PETITIONS, COMMUNICATIONS, ETC.

Mr. Brown presented the following petition:

To the House of Representatives of the State of North Dakota:

The undersigned, composing the field, line and staff officers of the National Guard of the State of North Dakota, would respectfully represent:

That on the 15th day of December, 1890, at a meeting of the commissioned officers thereof, held in the city of Fargo, State of North Dakota, called for the purpose of discussing matters relating to the welfare of the National Guard, in view of the threatened outbreak, within the borders of the State, of Indians located on the different reservations, it was unanimously resolved to present and set forth before your honorable body what the needs of the National Guard were in order to place the same in a condition for active service, based upon a safe and economical stand point.

We would further represent that the various companies are in urgent need

at the present time of new uniforms of the regulation pattern, also haversacks, canteens, blanket bags, waist belts, blankets, overcoats, leggings, in order to be fully equipped to carry on an active campaign in the event of insurrection and invasion.

We would further urge the purchase of two gatling guns immediately for the use of the battery of artillery.

And it is confidently urged upon your honorable body that if such provision be made looking to the suitable equipment of the Guard, as herein expressed, that said organization will be a credit to the State of North Dakota, and will ever be ready to devote its best efforts in maintaining the majesty and supremacy of the law within its borders.

In this connection we would modestly but proudly assert that at the time of the last threatened outbreak among the Indians in the southern borders of the State, that upon the call from the Executive of this State to be in readiness to repel such invasion, every company officer and enlisted man cheerfully and immediately reported for duty, ready to leave home, fireside and business to aid in the suppression of such invasion.

In witness whereof, the undersigned have hereunto appended their names for and in behalf of the various companies composing the National Guard of the State of North Dakota this 15th day of December, 1890, at the city of Fargo, N. D.

WM. DEVOY,
Adjutant General.
WM. A. BENTLEY,
Colonel First Regiment.
W. H. MAKEE,
Major First Battery.
D. N. YORKEY,
Captain Commanding Co. C.
AMASA P. PEAKE,
Captain Commanding Co. G.
E. J. SCHWELLENBACH,
Captain Commanding Co. H.
A. J. HUGHES,
Captain Commanding Battery A.
I. H. WILSON,
Captain Commanding Co. B.
J. F. BRANDT,
First Lieutenant Commanding Co. F.
W. C. FREEMAN,
First Lieutenant Co. C.
THOS. P. HERRON,
First Lieutenant Co. A.
WILL D. WALLACE,
Director First Regimental Band.
J. H. FRAINE,
Sergeant Co. C.
GILBERT C. GRAFTON,
First Lieutenant Co. B.

Mr. Speaker referred the petition to the Committee on Military Affairs.

Mr. Oliver presented the following communication and requested that it be printed in the Journal:

LISBON, N. D., January 27, 1891.

Hon. H. S. Oliver, Bismarck:

DEAR SIR; I gave Senator Engle the form of a bill for the purpose of righting a grievous wrong imposed on the farmers. That is this elevator monopoly establishing grades for wheat at buying stations throughout this State.

That is the main point to be broken up. For these reasons, so long as they are allowed to buy by grades, so long will it be a monopoly. They sit in their office and compel you to drive up, dump your wheat, and some "greenhorn" at the business will say: "Well, that is No. 2 northern." You are compelled to take his grade. He then gives you another poke, "three pounds off for dirt." Then after he has cleaned it No. 2 northern is worth so much. You must take it, as you have no other way open to you. Then comes another swindle. They make a difference of 5 cents on each grade. I enclose prices the 25th, showing only about 3 cents difference from No. 1 hard to No. 3; No. 1 hard, 91 cents; No. 3, 88 cents—only 3 cents, and they make a difference of 10 cents. Then, again No. 1 hard must weigh at least 59 pounds, be clean, plump and sound. If it weighs 58½ pounds it is No. 1 northern. When the crop is good it is not often wheat will weigh less than 60 and frequently 62 pounds. Take a load of 61 pound wheat and a load of 57 pound wheat, mix them, and the result is two loads weighing 59 pounds; both will grade in Duluth No. 1 hard. Any miller will tell you that good, clean, sound No. 3 will make nearly as much flour as No. 1 hard, and as good quality of flour; that you can see at once by the small difference in price.

When No. 1 hard is plenty they will make more difference in prices of grades, but No. 1 hard will be no higher, but they will drop prices on the lower grades. What we want is an open market so that any one can put up a warehouse or elevator and have the privilege of buying wheat. When that can be accomplished instead of sitting in their office waiting for you to drive up, they will be on the streets watching to get the first bid on a load, and they will put the price so high that the second bidder can't pay more, and instead of docking for as much again dirt as there is they buy the wheat on its merits and can make no dockage. The farmer will get all there is in it.

Now then in the first place we want a law for the railroad that they shall lease to any party, suitable grounds on their sidetracks at a nominal rental (it was the usual custom to charge \$1.00 per year) for the purpose of erecting a warehouse or elevator, or in lieu thereof shall build a sidetrack to buildings built for that purpose on land adjoining their right of way, if such is passed they will lease their grounds.

Then it shall be unlawful for any persons, firms or corporations to establish grades for the buying of wheat or other grains at any grain buying stations in this State. The part compelling railroads to lease grounds will bring elevators to their milk, but we want both; and the result will be they will have to send men to buy grain that are judges of what they buy, they can't buy by machinery.

It is necessary that there shall be grades at terminal points, as Duluth and Minneapolis, but at no points inland.

Then instead of the milling companies buying all the wheat, they will have to scratch to get their share, and enough to keep their mills going.

If this is brought about it will make a difference of five to eight cents per bushel on all wheat sold in this State.

I have bought wheat for twenty years, and know about all the crooks and turns in it.

Now, Harry I hope you can see enough in it to take care of it in the House, and I hope it may become a law.

Very truly yours,
F. A. BLOOD.

REPORTS OF STANDING COMMITTEES.

The Committee on Sheep Husbandry made the following report:

MR. SPEAKER:

Your Committee on Sheep Husbandry to whom was referred
House Bill No. 9,

A bill for an act to provide facilities for marketing wool, Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 1 as follows:

In lines 1 and 2 strike out the words "of this State organized under the general law or under special charter," and in lieu thereof insert the words "town or village of this State."

In line 4 change "July 1st" to "June 15th."

In line 5 strike out the word "State."

Amend Section 3 as follows:

In line 2 change "July 1st" to "June 15th."

Amend Section 4 as follows:

In line 6 change "\$1,500" to "\$1,000."

And when so amended recommend that said bill do pass.

JOHN A. DAVIS,
Chairman.

The Committee on Elections and Privileges made the following report:

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was referred the matter of the contest brought by Joseph Hare against William O. Ward for a seat in the Lower House of the Legislature submit the following report:

They find that said Ward was elected according to the returns of election by 39 majority over said Hare.

That two illegal votes were cast, but for whom they were cast the committee is unable to determine.

That the evidence presented by the contestant is not decisive and wholly fails to substantiate the claims as laid down in the notice of contest.

Your committee after carefully hearing and weighing the evidence, recommend by a unanimous vote that the said William O. Ward retain his seat.

Also,

In the matter of the contest brought by John F. Philbrick against John Yegen for a seat in the Lower House of the Legislature, submit the following report:

We find that said Yegen was elected according to the returns of election by a majority of 31 over the said Philbrick.

That a small number of illegal votes were cast, a number much too small to change the result of the election, but that the committee is unable to determine for whom the illegal votes were cast.

That the evidence presented by the contestant is not decisive and wholly fails to substantiate the claims as made in the notice of contest.

Your committee after carefully hearing and weighing the evidence, recommend by a unanimous vote that the said John Yegen retain his seat.

H. H. STROM,
Chairman.

Mr. Strom moved

To adopt both of the reports of the Committee on Elections and Privileges,

Which motion prevailed, and

The report was adopted, and

The Committee was then discharged from further consideration of the contests.

The Committee on Judiciary made the following report,

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

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

Amend title of bill so as to read as follows:

A bill for an act to amend Section 2 of an act entitled "An act to amend Sections 31 and 33 of Chapter 27 of the Political Code" being Chapter 71, Session Laws of 1881, and Section 1447 of the Compiled Laws of 1887, Dakota.

Also,

Amend Section 1 by adding after the word "electors" in line 7 printed bill, the word "and."

Also,

Strike out of line 8, same section the words "and county officers."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

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

Amend Section 1 by adding after the word "county" in line 4, printed bill, the following: "On petition of 300 freeholders of such county."

Also, by striking out the words "the next" where they occur in line 5, same Section, and inserting in lieu thereof the word "any."

Also strike out Section 3 of bill, and change number of "Section 4" to "Section 3."

And when so amended recommend that the said bill do pass.

Also,

House Bill No. 68,

A bill for an act to amend Sections 462 and 463 of the Compiled Laws of Dakota, 1887, being Sections 1 and 2 of Chapter 18 of the Political Code, entitled, "Attorneys and Counselors at law,"

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

Also,

House Bill No. 38,

A bill for an act creating a landlord's lien and providing for its enforcement,

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

Also,

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

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

Amend Section 3, line 3 of the printed bill, by striking out the word "thirty" and inserting in lieu thereof the word "ninety."

Amend Section 4, line 10, of the printed bill, by striking out the word "Territory" and inserting the word "State."

Amend Section 5, line 10 of the printed bill, by striking out the word "if" where it occurs the second time in said line and inserting the word "is."

Also in line 16, same section, strike out the word "twenty" and insert in lieu thereof the word "ninety."

Amend Section 16, line 3 of the printed bill, by striking out the word "three" and insert in lieu thereof the word "ten."

Amend Section 20 by striking out of line 9, printed bill, the word "or" where it occurs the second time in said line, and inserting in lieu thereof the word "on."

Amend Section 22 by striking out of line 7, printed bill, the word "of" where it occurs the first time in said line, and inserting in lieu thereof the letter "a."

Also, amend same Section and line by adding after the word "neglect" the letter "a"

Also, strike out of same Section and line the word "thirty" and insert in lieu thereof the word "sixty."

Also, strike out of same Section and line 8 the word "of" where it first occurs in said line, and insert in lieu thereof the word "on."

Also, strike out of line 11, same Section, the word "thirty" and insert in lieu thereof the word "sixty."

Amend Section 24 by striking out of line 7, printed bill, the word "for" and inserting in lieu thereof the word "after."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

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

By inserting after Section 3 the following which shall constitute Section 4 of the bill:

SEC. 4. Upon being admitted to practice as attorney or counsellor at law, as provided by this act, they shall in open court take the following oath: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of the office of attorney and counsellor at law to the best of my ability."

Also,

That Sections 4, 5, 6 and 7 of original bill be numbered respectively, 5, 6, 7 and 8.

And that the bill when so amended do pass.

Also,

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,
Have had the same under consideration and recommend that
the title of said bill be amended so as to read as follows:

A bill for an act regulating the practice in the Supreme Court and in the
district court in certain instances.

Also amend Section 2 by adding after the word "State" where it occurs
the second time in line 11, printed bill, the following:

"*Provided, further,* That any district court or judge thereof before whom
any writ is made returnable, as prescribed in this section, is hereby vested
with full power and authority necessary for carrying into complete execution
all of its judgments, decrees and determinations, subject to appeal as provided
by law."

And when so amended recommend that said bill do pass.

GEO. H. FAY,
Chairman.

Mr. Burke moved

To adopt the report on House Bill No. 33,

Which motion prevailed, and

The report was adopted.

Mr. Burke moved

To adopt the report of the Committee on Judiciary on House
Bill No. 38,

Which motion prevailed, and

The report was adopted, and

The further consideration of the bill was indefinitely postponed.

Mr. Oliver moved

To adopt the report of the Committee on Judiciary on Senate
Bill No. 2,

Which motion prevailed, and

The report was adopted.

Mr. Burke moved

To amend the bill by striking out the word "county" in line 8
of Section 26 and substituting therefor the word "court."

Which motion prevailed, and

The bill was so amended.

Mr. Oliver moved

To adopt the report of the Committee on Judiciary on Senate
Bill No. 3,

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Loring moved

To adopt the report of the Committee on Judiciary on House
Bill No. 21,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Burke moved

To adopt the report of the Judiciary Committee on House Bill No. 12,

Which motion prevailed, and

The report was adopted.

Mr. Lutz moved

That the report of the Committee on Sheep Husbandry on House Bill No. 9 be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Peabody offered the following Concurrent Resolution and moved its adoption.

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That a Special Committee of three be appointed, one of which shall be appointed by the President of the Senate, and two by the Speaker of the House, whose duty it shall be

First. To communicate to the committee appointed for that purpose by the Nebraska Legislature, the willingness of the Legislature of North Dakota to confer with those of Nebraska and other States, concerning a common legal rate of interest.

Second. To make such further arrangements in the matter with like committees from other states as they may deem advisable.

Which motion prevailed, and

The resolution was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 29, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have this day approved House Bill No. 73,

An Act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit.'"

Respectfully,

ANDREW H. BURKE,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 29, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred

in the House Concurrent Resolution relating to the death of Hon. Henry W. Lord.

Also,

That the Senate has amended the House Concurrent Resolution for the appointment of a Joint Committee on Elections by increasing the membership of such committee from five to seven, three from the Senate, and four from the House.

Also,

That the Senate has concurred in the House Concurrent Resolution for the appointment of a Special Committee of five to revise the warehouse laws, and that the President pro tem. has appointed as members of such committee on part of the Senate, Messrs. Weiser and Johnson of Traill.

C. C. BOWSFIELD,
Secretary.

INTRODUCTION AND FIRST READING OF BILLS, JOINT RESOLUTIONS
AND MEMORIALS.

Mr. Triplett introduced—
House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

Which was read the first time.

Mr. Burton introduced—
House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, entitled "An Act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,

Which was read the first time.

Mr. Brooke introduced—
House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers residents therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended,

Which was read the first time.

Mr. Brooke moved

That the rules be suspended and that House Bill No. 106 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and
House Bill No. 106,

A bill for an act to amend Section 6 of an act entitled, "An Act

authorizing counties to procure seed grain for needy farmers residents therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended,

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

Mr. Burke (by request) introduced—

House Bill No. 107,

A bill for an act to amend Section 2 of an act entitled "An act to amend Section 14 of Chapter 10, Session Laws of 1887, Chapter 52, Session Laws of 1889,"

Which was read the first time.

Also (by request)—

House Bill No. 108,

A bill for an act to amend Section 15 of an act entitled "An act creating the office of county auditor and defining the duties thereof, Chapter 10, Session Laws of 1887,"

Which was read the first time.

Mr. Loomis introduced—

House Bill No. 109,

A bill for an act to amend Section 104 of the Code of Civil Procedure, being Section 4900 of the Compiled Laws, relating to service of summons by publication,

Which was read the first time.

Mr. Tufts introduced—

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds,

Which was read the first time.

Mr. Satterlund introduced—

House Bill No. 111,

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

Which was read the first time.

Mr. Strom (by request) introduced—

House Bill No. 112,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of both husband and wife.

Which was read the first time.

Mr. Richie introduced—

House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, Chapter 152 of Laws of 1890,"

Which was read the first time.

House Bill No. 88,

A bill for an act to prohibit and prevent the sale and manufac-

ture of unhealthy and adulterated dairy products and to preserve the public health,

Was read the first time.

Mr. Speaker called Mr. Gill to the Chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 29, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House Concurrent Resolution for the appointment of a committee to investigate the cost and value of railroads, and that Messrs. Ink and Lowry have been appointed members of such committee on part of the Senate.

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Also,
House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66 of the Session Laws of 1890,

Also,
House Bill No. 58,

A bill for an act for the protection of bank depositors,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Richie moved

That the rules be suspended and that House Bill No. 113 be now read the second time and referred to its appropriate committee.

Which motion prevailed, and
House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein," Chapter 152 of Laws of 1890,

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

SECOND READING OF HOUSE BILLS.

House Bill No. 95,

A bill for an act providing for the correction of assessments after the adjournment of the board of equalization,

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

House Bill No. 96,

A bill for an act to prevent fraud upon travelers and railroads and other corporations in the sale and use of tickets,

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

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

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

House Bill No. 98,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

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

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

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

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota,

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

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

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

House Bill No. 102,

A bill for an act to repeal Chapter 88 of the Laws of 1890, approved March 7, 1890,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations.

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

That the further consideration of the bill be postponed until Saturday January 31 at 3 o'clock p. m.,

Which motion prevailed.

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66 of the Session Laws of 1890, entitled "An Act providing for the retention and disposal of estrays,"

Was read the third time and recommitted to the Committee on Judiciary.

House Bill No. 58,

A bill for an act for the protection of bank depositors,

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

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Noltmier,
Bjornson,	Foss,	Oliver,
Brooke,	Graber,	Peabody,
Brown,	Haight,	Richie,
Burke,	Hall,	Satterlund,
Christianson,	Hanson,	Smith,
Colosky,	Havrevold,	Strom,
Cope,	Hill,	Thompson,
Daly,	Hodgson,	Triplett,
Daniel,	Holte,	Tufts,
Davis,	Holritz,	Wallen,
Dennett,	Horgan,	Walton,
Douglas,	Kearney,	Ward,
Ebbighausen,	Lamb,	Watson,
Erickson,	Larson,	Yegen,
Farrah,	Loring,	Mr. Speaker.
Fay,	Lutz,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gill,	Osgood,	Williams.
Loomis,	White,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	McCulloch,	Peterson,
Burton,	McKendry,	Skinner.
Cunningham,		

Messrs. McCulloch, McKendry and Peterson being excused.

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

Mr. Thompson moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Havrevold, McCulloch and McKendry, who were excused.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to whom was referred the Journal of the House of the twenty-fourth day have examined the same and find it correct.

GEO. K. LORING,
Chairman.

Mr. Speaker appointed as the Committee to examine and correct the Journal for the rest of this week Messrs. Burton, Wallen and Farrah.

PETITIONS AND COMMUNICATIONS.

Mr. Havrevold presented the following petition:

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

We, the undersigned residents of the State of North Dakota, respectfully petition your honorable bodies that the act of the Legislature of this State, approved February 20, 1890, entitled "An Act to provide for the organization

and government of State banks," be retained upon our statute books and that if any amendment be made thereto that such amendment shall still provide that the amount of the capital be published; that report be made as now required by law and published; that such banks be under the supervision and examination of the State government, and that reports be published for the purpose of forming a basis for taxation.

JOHN A. RISK,
And 41 Others.

REPORTS OF STANDING COMMITTEES.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred
Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

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

Also,

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

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

Also,

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of firearms or ammunition for the same to any Indians who are not citizens of the United States,

And recommend that the same do pass.

WM. C. BROWN,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

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

Amend Section 2, line 4, printed bill by striking out the words "Railroad Commissioners," and insert in lieu thereof the words "Commissioners of Railroads."

And when so amended recommend that said bill do pass.

A. N. FOSS,
Chairman.

The Committee on Judiciary made the following report,

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

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

Amend Section 1 by striking out of line 2, printed bill, the word "then."

Also, strike out of line 4, same section, the word "for" and insert in lieu thereof the words "purchaser of."

Also, strike out of same section and line 4 the word "such" and insert in lieu thereof the word "said."

Also, strike out of line 5, same section, the word "four" and insert the word "ten" in lieu thereof.

Amend Section 3 by striking out of line 5, printed bill, the word "felony" and inserting in lieu thereof the word "misdemeanor."

Also, strike out all of Section 3 after the word "punished" in line 6 and insert the following in lieu thereof: "by imprisonment in the county jail for a period not exceeding one year, and fined in an amount double the value of the property so sold, concealed, destroyed, injured or removed."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20 of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887,

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

Amend Section 1 by striking out of line 2, printed bill, the figures "478" and inserting in lieu thereof the figures "487."

Also, strike out of line 9, same Section, the word "and."

Also, add in line 10, same Section, after the word "public" the words "and coroners."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey,

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

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120, of the General Laws of 1890, entitled "An Act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

And recommend that the same do pass.

Also,

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 66, Session Laws of 1890, entitled "An act providing for the retention and disposal of estrays,"

And recommend that the same do not pass.

Also,

House Bill No. 93,

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889,

And recommend that the same do pass.

Also,

House Bill No. 92,

A bill for an act to amend Section 1, Chapter 71, Laws of 1881, entitled "An act to amend Sections 31 and 33 of Chapter 27 of the Political Code, being Section 1471 of the Compiled Laws of Dakota, 1887,"

And recommend that the same be referred to Joint Committee on Elections.

GEO. H. FAY,
Chairman.

Mr. Hill moved

To adopt the report of the Committee on Judiciary on House Bill No. 92,

Which motion prevailed, and

The report was adopted, and

The bill referred to the Joint Committee on Elections.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

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

That Section 1 of said bill be amended to read as follows: "That all unpaid taxes for the year 1890 shall become delinquent on the first day of March, 1891, and shall draw interest at the rate of 1 per cent. per month from date of such delinquency until the 15th day of October, 1891, at which latter date there shall be added as a penalty 5 per cent. upon the amount remaining unpaid and 1 per cent. per month thereafter until paid, to be added on the first day of each succeeding month."

That the first three lines of Section 2 of said bill be amended to read as follows: "The county treasurers of the counties of the State of North Dakota shall not proceed to collect by distress and sale," etc.

And that Section 3 be stricken out.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 70,

A joint resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota.

Have had the same under consideration and submit the following Substitute Joint Resolution, and recommend that it do pass:

SUBSTITUTE JOINT RESOLUTION

For the Submission of a Proposition to Amend the Constitution of the State of North Dakota.

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

SECTION 1. The following proposition to amend the Constitution of the State is hereby submitted to the Second Session of the Legislative Assembly of the State of North Dakota, to be by them submitted to the qualified electors of the State for approval or rejection, namely:

"The Constitution of the State of North Dakota is hereby amended by striking out the words 'three Commissioners of Railroads' from Section 82 in Article 3 of said Constitution and inserting in lieu thereof the words 'one Commissioner of Railroads.'"

FRED DENNETT,
Chairman.

The Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred House Bill No 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

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

That Section 1 be amended by striking out all after the word "choice," and inserting in lieu thereof the words "in one weekly paper in each county, once in the first month, once in the second month, and four times in the third month."

And when so amended recommend that the said bill do pass.

H. M. PETERSON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Bjornson offered the following resolution:

Resolved, That the Chief Clerk is hereby instructed to procure 500 copies of each back number of the House Journal to be given to the members for distribution among their constituents.

Mr. Douglas moved
To lay the resolution on the table,
Which motion was lost.

Mr. Burton moved
That the further consideration of the resolution be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 44, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Peterson,
Beardsley,	Gill,	Richie,
Brown,	Hall,	Satterlund,
Burke,	Hanson,	Skimmer,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Colosky,	Holritz,	Thompson,
Cunningham,	Kearney,	Tufts,
Daniel,	Lamb,	Walleo,
Davis,	Larson,	Walton,
Douglas,	Loomis,	Ward,
Ebbighausen,	Lutz,	White,
Farrah,	Noltmier,	Yegen,
Fay,	Oliver,	Mr. Speaker.
Fiske,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Erickson,	Loring,
Brooke,	Graber,	Peabody,
Cope,	Haight,	Triplett,
Daily,	Hill,	Watson,
Dennett,	Horgan,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Havrevold,	McCulloch,	McKendry.

Messrs. Havrevold, McCulloch and McKendry being excused.

And so the motion to indefinitely postpone prevailed, and

The further consideration of the resolution was indefinitely postponed.

Mr. Oliver moved

That the House Concurrent Resolution relative to the prohibition of lotteries be returned to the Senate with the request that the roll be call upon its adoption in accordance with Section 202 of the Constitution,

Which motion prevailed.

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

Resolved, That the Chief Clerk be instructed to furnish the Attorney General with a copy of House Bill No. 24, and request his opinion as to the constitutionality of said bill; to be presented to this House at as early a date as possible.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That a committee of three be appointed, who shall draft resolutions expressive of the sentiment of this House upon the life and death of

Hon. William Windom, Secretary of the United States Treasury; said committee to report to the House on the day of the funeral of the deceased fellow citizen, provided it be a legislative day, and if not, then the first legislative day following, and that said report be made a special order for 3 o'clock on that day.

Which motion prevailed, and
The resolution was adopted.

Mr. Richie offered the following Concurrent Resolution:

CONCURRENT RESOLUTION

Requesting our members of the Senate and House of Representatives of the United States to endeavor to secure during the present Session of the National Congress the passage of a resolution proposing an amendment to the Constitution of the United States to prohibit the licensing of any or all lottery companies or gift gambling enterprises of any kind by the United States government, or by the governments of any of the States of this Union.

Recognizing the corruption, degradation and evil that result to the people from the licensing of any lottery company, or gift gambling enterprise, of any kind whatever; therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota,
That we request our members of the Senate and House of Representatives in Congress assembled to use their utmost endeavors to secure the passage of a resolution proposing an amendment to the Constitution of the United States forever prohibiting the licensing of any lottery company or gift gambling enterprise of any kind whatever, either by the national government or by any of the State governments of this Union.

Mr. Strom moved

That the resolution be referred to the Committee on State Affairs,

Which motion prevailed, and
The Concurrent Resolution was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 30, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State board of canvassers,

Also,
Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

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

Also, to transmit herewith

House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of the States of North and South Dakota appointed pursuant to law,

Which the Senate has passed unchanged.

Also,

The following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House of Representatives Concurring: That a joint committee of five be appointed, consisting of two Senators and three Representatives, to consider the bills relating to prairie fires and expedients for relief therefrom.

Which the Senate has passed, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

INTRODUCTION AND FIRST READING OF BILLS, JOINT RESOLUTIONS
AND MEMORIALS.

Mr. Graber introduced—

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

Which was read the first time.

Mr. Burton (by request) introduced—

House Bill No. 115,

A bill for an act providing for a lien for the service of stallion or bull,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 116,

A bill for an act making appropriations for the erection of a dormitory and boiler house for the University of North Dakota,

Which was read the first time.

Also,

House Bill No. 117,

A bill for an act making appropriations for the maintenance of the University of North Dakota,

Which was read the first time.

Mr. Peabody introduced—

House Bill No. 118,

A bill for an act to legalize the bonding of civil townships for

the purpose of sinking artesian wells and to provide for locating the same,

Which was read the first time.

Mr. Beardsley introduced—

House Bill No. 119,

A bill for an act to provide for the filing of chattel mortgages with town clerks,

Which was read the first time.

Mr. Fiske introduced—

House Bill No. 120,

A bill for an act to amend Section 15 of Chapter 21 of the Political Code, it being Section 574 of the Compiled Laws of 1887,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks,

Which was read the first time.

Mr. Strom introduced—

House Bill No. 122,

A bill for an act to organize a county board of supervisors, one from each township, city and incorporated village to take the place of the board of county commissioners, and prescribing the duties thereof,

Which was read the first time.

Mr. Bjornson introduced—

House Bill No. 123,

A bill for an act to promote the planting of forest trees upon the prairies of the State of North Dakota,

Which was read the first time.

Mr. Kearney, (by request) introduced—

House Bill No. 124,

A bill for an act prescribing the duties of registers of deeds and clerks of the district court in relation to making and certifying abstracts of title and providing penalties for violations thereof,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 125,

A bill for an act limiting and regulating the issuing of criminal warrants in county courts, justices of the peace, city justices and police justices, and to provide for a certificate of authority from the states attorney to such officer before a criminal warrant shall be issued,

Which was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 30, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 93,

A bill for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

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

C. C. BOWSFIELD,
Secretary.

SECOND READING OF HOUSE BILLS.

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

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

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, entitled "An Act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

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

House Bill No. 107,

A bill for an act to amend Section 2 of an act, entitled "An Act to amend Section 14 of Chapter 10, Session Laws of 1887, Chapter 52, Session Laws of 1889,"

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

House Bill No. 108,

A bill for an act to amend Section 15 of an act entitled, "An Act creating the office of county auditor and defining the duties thereof, Chapter 10, Session Laws of 1887,"

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

House Bill No. 109,

A bill for an act to amend Section 104 of the Code of Civil Pro-

cedure, being Section 4900 of the Compiled Laws, relating to service of summons by publication,

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

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds,

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

House Bill No. 111,

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

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

House Bill No. 112,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of both husband and wife,

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

House Bill No. 88,

A bill for an act to prohibit and prevent the sale and manufacture of unhealthy and adulterated dairy products, and to preserve the public health,

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

Mr. Burton moved

That fifty extra copies of House Bill No. 105 be printed for the use of the Superintendent of Public Instruction,

Which motion was lost.

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

WHEREAS, Members desire to repair to this House on Sundays for the purpose of writing;

Be it Resolved, That on each Sunday two employes selected by the Sergeant-at-Arms shall be at this House to take care of the House, so as to enable members to occupy their desks.

Which motion was lost, and

The resolution was lost.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 30, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has adopted the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring:
That a committee consisting of two members of the Senate Appropriation Committee and three members of the House Appropriation Committee be appointed to inspect the Insane Asylum at Jamestown.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 49,
A bill for an act for the protection of game,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 49,

A bill for an act for the protection of game,
Was read the third time, and

Mr. Gill asked unanimous consent to amend the bill by striking out the word "resident" wherever it appears in the body of this bill and substituting therefor the word "another,"

Which consent was given, and
The bill was so amended.

Mr. Strom asked unanimous consent to further amend the bill by striking out the words "20th day of August" and substituting therefor the words "1st day of September."

Objection being made,

Mr. Strom moved

That the rules be suspended for the purpose of amending the bill on its third reading,

Which motion was lost, and

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 55, nays 4.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,

Messrs—

Fay,
Fiske,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodson,
Holte,

Messrs—

Oliver,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Thompson,
Triplett,
Tufts,

Messrs—
 Cunningham,
 Daily,
 Daniel,
 Davis,
 Dennett,
 Douglas,
 Ebbighausen,
 Erickson,
 Farrah,

Messrs—
 Holritz,
 Horgan,
 Kearney,
 Lamb,
 Larson,
 Loring,
 Lutz,
 Noltmier,

Messrs—
 Wallen,
 Walton,
 Ward,
 Watson,
 White,
 Williams,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were.

Messrs—
 Foss,
 Loomis,

Messrs—
 Osgood,

Messrs—
 Strom.

Absent and not voting:

Messrs—
 Havrevold,

Messrs—
 McCulloch,

Messrs—
 McKendry.

Messrs. Havrevold, McCulloch and McKendry being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Gill moved

To reconsider the vote by which House Bill No. 49 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 January 30, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate this day, under suspension of the rules, reconsidered the motion by which this body concurred in the House Concurrent Resolution of the 17th inst., pertaining to lotteries, for the purpose of recording the ayes and nays on the same. The ayes and nays being taken the resolution was concurred in.

C. C. BOWSFIELD,
 Secretary

Mr. Brooke moved

That the vote by which House Bill No. 58 was passed be reconsidered,

Which motion prevailed.

Mr. Brooke introduced—

Substitute for House Bill No. 58,

A bill for an act to protect bank depositors.

Mr. Beardsley moved

That the substitute bill be printed, and that the consideration of the bill be deferred until it shall be printed,

Which motion prevailed.

Mr. Oliver moved

That the vote by which House Bill No. 31 was made a special order for Saturday at 3 o'clock p. m. be reconsidered,

Which motion prevailed.

Mr. Burke moved

To amend House Bill No. 31 as follows:

That Section 4 be amended by striking out of said section all of that part beginning with the word "without" in line 5 and ending with the word "companies" in line 7, and that the following be inserted in lieu thereof: "For any such mercantile agency or guarantee association, unless such mercantile agency or guarantee association shall have first procured from the Commissioner of Insurance a certificate of authority to do business as such in this State."

Mr. Lutz moved

That the rules be suspended to permit amendments to be made on the third reading of the bill,

Which motion prevailed, and

The question being upon the amendment offered by Mr. Burke, Mr. Oliver moved to adopt the amendment,

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 47, nays 11.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Colosky,
Cope,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fiske,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hill,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
Lutz,
Noltimier,
Oliver,
Osgood,
Peabody,
Richie,

Messrs—

Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Burton,
Christianson,
Cunningham,

Messrs—

Daily,
Fay,
Hanson,
Hodgson,

Messrs—

Holte,
Larson,
Peterson.

Absent and not voting:

Messrs—

Foss,
Havrevold,

Messrs—

McCulloch,

Messrs—

McKendry.

Messrs. McCulloch, Havrevold and McKendry being excused.
So the bill as amended passed, and the title was agreed to.

Mr. Oliver moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Oliver moved

That the House now consider the Senate Concurrent Resolution providing for the appointment of a joint committee of five to inspect the North Dakota Hospital for the Insane at Jamestown,

Which motion prevailed.

Mr. Strom moved

To adopt the resolution,

Which motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Lutz moved

That the Speaker appoint the three members of the committee on the part of the House called for by the resolution,

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

Was read the first time, and

Mr. Gill moved

The the bill be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

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

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State board of canvassers,

Was read the first time.

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of

McHenry in said judicial district and State for judicial and other purposes,

Was read the first time.

Mr. Speaker called Mr. Oliver to the Chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fay,	Oliver,
Beardsley,	Fiske,	Osgood,
Bjornson,	Foss,	Peterson,
Brooke,	Gill,	Richie,
Brown,	Graber,	Satterlund,
Burke,	Haight,	Skinner,
Burton,	Hanson,	Smith,
Christianson,	Hill,	Strom,
Colosky,	Hodgson,	Thompson,
Cope,	Holte,	Triplett,
Cunningham,	Holritz,	Tufts,
Daily,	Horgan,	Wallen,
Daniel,	Kearney,	Walton,
Davis,	Lamb,	Ward,
Dennett,	Larson,	Watson,
Douglas,	Loomis,	White,
Ebbighausen,	Loring,	Yegen,
Erickson,	Lutz,	Mr. Speaker.
Farrah,	Noltimier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hall.	McCulloch,	Peabody,
Havrevold,	McKendry,	Williams.

Messrs. Havrevold, McCulloch and McKendry being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,
Was read the third time and placed upon its final passage.

Mr. Fay moved

That the rules be suspended for the purpose of amending the bill,

Which motion prevailed.

Mr. Fay moved

To amend the bill as follows:

In line 4, Section 6, strike out the word "Legislature" and insert in lieu thereof the words "Legislative Assembly,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Fay,
Fiske,

Messrs—

Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Noltimier,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Cunningham,
Farrar,

Messrs—

Havrevold,
Lutz,

Messrs—

McCulloch,
McKendry.

Messrs. Havrevold, McCulloch and McKendry being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker appointed as the House members of the Joint Committee to inspect the North Dakota Hospital for the Insane, Messrs. White, Loomis and Triplett.

Mr. Richie was placed upon the committee in place of Mr. Loomis, resigned.

Mr. Douglas moved

That when the House adjourn it be to take a recess until Monday, February 2d, at 2 o'clock p. m., out of respect to the late Hon. William Windom, Secretary of the Treasury.

Roll call demanded.

The roll being called there were ayes 27, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Richie,
Cope,	Hill,	Strom,
Davis,	Hodgson,	Thompson,
Douglas,	Holritz,	Triplett,
Ebbighausen,	Horgan,	Tufts,
Erickson,	Larson,	Walton,
Fay,	Loomis,	Williams,
Foss,	Oliver,	Yegen,
Haight,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Daniel,	Noltmier,
Bjornson,	Dennett,	Peabody,
Brooke,	Fiske,	Peterson,
Brown,	Gill,	Satterlund,
Burke,	Graber,	Skinner,
Burton,	Hanson,	Smith,
Christianson,	Holte,	Wallen,
Colosky,	Kearney,	Ward,
Cunningham,	Lamb,	Watson,
Daily,	Loring,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Farrah,	Lutz,	McKendry.
Havrevold,	McCulloch,	

Messrs, Havrevold, McCulloch and McKendry being excused.

And so the motion to take a recess until Monday at 2 o'clock was lost.

Mr. Kearney moved
To reconsider the vote just taken,
Which motion prevailed.

Mr. Kearney moved
That when the House adjourn it be to take a recess until Monday at 2 o'clock p. m.,
Which motion prevailed.

Mr. Williams moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY - EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Havrevold, Hodgson, Hill and Williams who were excused.

Mr. Gill moved

That all absent members be excused,

Which motion prevailed.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee appointed to examine and correct the Journal of the Twenty-fifth day have examined the same and report it to be correct.

C. A. BURTON,
Chairman.

The Speaker appointed as a committee to draft resolutions expressive of the sentiment of the House upon the life and death of Hon. Wm. Windom, Messrs. Gill, Beardsley and Brooke.

The privilege of the floor were extended to Dr. D. S. Moore of Jamestown.

Mr. Speaker continued Messrs. Burton, Wallen and Farrah as the committee to examine and correct the Journal.

Mr. Speaker appointed as the Committee on Election Bills, to confer with a like committee from the Senate, Messrs. Burke, Dennett, Strom and Fisk.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred
House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter
62 of Public School Laws of 1890,

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

That the title be amended to read as follows:

A bill for an act to amend Section 123 of Chapter 62 of the Laws of 1890, entitled "An Act to provide for a uniform system of free public schools throughout the State, and to prescribe penalty for the violation of the provisions thereof."

And as so amended recommend that said bill do pass.

C. A. BURTON,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the pay-
ment of mileage, per diem and salaries of members and employes
of the Legislative Assembly of the State of North Dakota, and
authorizing the payment thereof,

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

G. G. BEARDSLEY,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 13,

A bill for an act to amend Section 103 of Chapter 132 of the
Laws of 1890.

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

A bill for an act to amend Section 103 of Chapter 132 of the
Session Laws of 1890, entitled "An Act prescribing the mode of
making assessment and levy and collection of taxes and for other
purposes in relation thereto."

Committee recommend that the bill, when so amended, be re-
ferred to the Committee on Taxation and Tax Laws.

GEO. H. FAY,
Chairman.

Mr. Strom moved

To adopt the report of the Committee on Judiciary on House
Bill No. 13,

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 Section 55 of Chapter 132 of the
Laws of 1890,

Have had the same under consideration and recommend that
the title be amended so as to read as follows:

A bill for an act to amend Section 55 of Chapter 132 of the Session Laws
of 1890, entitled "An act prescribing the mode of making assessment, and the
levy and collection of taxes and for other purposes in relation thereto.

Committee further recommend that the bill when so amended
be referred to Committee on Taxation and Tax Laws.

GEO. H. FAY,
Chairman.

Mr. Beardsley moved

To adopt the report of the Committee on Judiciary on House
Bill No. 14,

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. 47,

A bill for an act to amend Section 2366, as found in the Com-
piled Laws of 1887,

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

GEO. H. FAY,
Chairman.

Mr. Beardsley moved

To adopt the report,
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. 57,

A bill for an act to provide clerks of the county courts,

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

GEO. H. FAY,
Chairman.

Mr. Beardsley moved

To adopt the report,

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. 87,

A bill for an act to aid in the collection of wages by dispensing
with security for costs in certain cases,

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

GEO. H. FAY,
Chairman.

Mr. Oliver moved

That the bill be referred to General Orders,

Which motion prevailed, and
The bill was so referred.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 91,

A bill for an act regulating the proceedings in attachment or
execution against property owned jointly, in common or in part-
nership,

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

Also,

House Bill No. 109,

A bill for an act to amend Section 104 of the Code of Civil
Procedure, being Section 4900 of the Compiled Laws, relating to
service of summons by publication,

And recommend that the same do not pass.

Also,

House Bill No. 111,

A bill for an act to amend Section 39 of Chapter 21 of the Poli-
tical Code,

And recommend that the title be amended to read as follows:

A bill for an act to amend Section 39, Chapter 21 of the Political Code, be-
ing Section 603 of the Compiled Laws of 1887 of Dakota, relating to county
warrants.

Amend Section 1 by striking out of line 5, printed bill, the word "clerk"
and inserting in lieu thereof the word "auditor."

And when so amended that the said bill do pass.

Also,

House Bill No. 112,

A bill for an act to prohibit the mortgaging of exempt personal
property without the joint consent of both husband and wife,

And recommend that the same do not pass.

GEO. H. FAY,
Chairman.

Mr. Strom moved that House Bill No. 112 be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

Mr. Oliver moved

That the report of the Judiciary Committee on House Bill No. 111 be adopted,

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Dennett offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That a joint committee, consisting of five, three to be chosen by the Speaker of the House and two by the President of the Senate, be appointed, to whom shall be referred all bills introduced in either House, regulating the duties, or fixing the salaries, of county officials.

Mr. Strom moved

To lay the resolution upon the table,

Which motion was lost, and

The question recurring upon the adoption of the resolution,

The motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST READING OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dennett introduced—

House Bill No. 126,

A bill for an act to regulate railroads and other common carriers in this State and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for transportation of passengers and freights on railroads in this State and to prescribe a mode of procedure and rules of evidence in relation thereto.

Mr. Fay moved

That the first reading of House Bill No. 126 be dispensed with until the same shall be printed,

Which motion prevailed.

Mr. Cope moved

That the first reading of all bills introduced to-day be deferred until they shall be printed,

Which motion prevailed.

Mr. Fay introduced—

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national.

Mr. Strom introduced—

House Bill No. 128,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor.

Mr. Cope introduced—

House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota.

Mr. Oliver introduced—

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals.

Also,

House Bill No. 131,

A bill for an act, fixing the maximum rate to be charged by railroad companies for the transportation of passengers within this State.

Mr. Lamb introduced—

House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers.

Substitute for House Bill No. 58,

A bill for an act to protect bank depositors,

Was read the first time.

Substitute for House Bill No. 53,

A bill for an act to amend Section 2 of an act entitled "An act providing for certain legal printing and fixing the compensation therefor, Chapter 51, Session Laws of 1887,"

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 2, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers.

Also,

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales.

Also,
Senate Bill No. 39,

A bill for an act entitled "An Act to require county commissioners to give and file a bond."

Also,
Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled, "An Act to regulate warehouses, inspection, weighing and handling of grain,

Also,
Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes.

Also,
Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year.

Also,
Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890.

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

C. C. BOWSFIELD,
Secretary.

Mr. Lutz moved

That the rules be suspended and that the House proceed to the consideration of General Orders,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Lutz moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Richie to the Chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

And recommend the bill be amended by striking out the words "Railroad Commissioners" wherever they occur in the bill, and inserting in lieu thereof the words "Commissioners of Railroads."

Also recommend that the bill be further amended as follows:

Amend Section 3 as follows: "Each platform shall be of such width and length and height as the Commissioners of Railroads shall designate as suitable to the demands of the locality with approaches to and from said platform to admit the driving of loaded teams thereon."

Also recommend that the bill be further amended as follows:

Add after the word "petition" in line 3 of Section 5 the words "designating dimension and height of said platform."

And that when so amended the bill do pass.

JOHN S. RICHIE,
Chairman.

Mr. Lutz moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Fay moved

That House Bill No. 109 be recommitted to the Judiciary Committee,

Which motion prevailed, and

The bill was recommitted.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
BISMARCK, Feb. 2, 1891.

To the Honorable, the Speaker, and the House of Representatives:

In compliance with your resolution requesting my opinion as to the constitutionality of House Bill No. 24, entitled "An act to provide indemnity for damage to grain by hail," I herewith submit the following opinion:

Section 11, Article 1 of the Constitution provides that all laws of a general nature shall have uniform operation.

Section 20 of said article provides that no citizen or class of citizens shall be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

Section 21 of said article provides that the provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Subdivision 20, Section 69, Article 2 of said Constitution provides that the Legislature is prohibited from granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

Section 174, of Article 11, of said Constitution provides that the Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each year, not to exceed in any one year 4 mills on the dollar of the assessed valuation of all property in the State, also a sufficient sum to pay the interest on the State debt.

Section 175 of said Article provides that no tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it may be applied.

Cooley on constitutional limitations, sixth edition, page 88, states that in construing a constitutional question where there is any doubt as to whether the act proposed is constitutional or not, the party is bound upon the doubt alone, to abstain from acting, and that whoever derives power from the Constitution to perform any public function is disloyal to that instrument and grossly derelict in duty, if he does not that which he is not reasonably satisfied the Constitution permits. It matters not whether the power be legislative, executive or judicial, there is manifest disregard of constitutional and moral obligation by one who, having taken an oath to observe that instrument, takes part in an action which he cannot say he believes to be no violation of its provisions. A doubt of the constitutionality of any proposed Legislative enactment, should in any case, be reason sufficient for refusing to adopt it, and if legislators do not act upon this principal, the reasons upon which are based the judicial decisions sustaining legislation, in very many cases, will cease to be of force.

In my judgment, House Bill No. 24 is directly or indirectly in conflict with all of the provisions of the Constitution referred to herein, and if there could be any doubt as to its being in conflict with any one of said provisions of the Constitution under the rule laid down by Judge Cooley, that doubt would have to be in favor of the Constitution, and against the Constitutionality of the bill referred to.

Without making any argument upon the law cited, and believing that you can see at once, that said bill conflicts with said provisions of the Constitution, I will therefore answer your question directly, by stating that in my opinion said House Bill No. 24 would if passed, be unconstitutional and void.

Respectfully submitted,

C. A. M. SPENCER,
Attorney General.

SECOND READING OF HOUSE BILLS.

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

Was read the second time, and referred to the Joint Committee on Charitable Institutions.

House Bill No. 115,

A bill for an act providing for a lien for the service of stallion or bull,

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

House Bill No. 116,

A bill for an act making appropriations for the erection of a dormitory and boiler house for the University of North Dakota,

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

House Bill No. 117,

A bill for an act making appropriations for the maintenance of the University of North Dakota,

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

House Bill No. 118,

A bill for an act to legalize the bonding of civil townships for the purpose of sinking artesian wells and to provide for locating the same,

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

House Bill No. 119,

A bill for an act to provide for the filing of chattel mortgages with town clerks,

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

House Bill No. 120,

A bill for an act to amend Section 15 of Chapter 21 of the Political Code, it being Section 574 of the Compiled Laws of 1887,

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

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks,

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

House Bill No. 122,

A bill for an act to organize a county board of supervisors, one from each township, city and incorporated village to take the place of the board of county commissioners, and prescribing the duties thereof,

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

House Bill No. 123,

A bill for an act to promote the planting of forest trees upon the prairies of the State of North Dakota,

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

House Bill No. 124,

A bill for an act prescribing the duties of registers of deeds and clerks of the district court in relation to making and certifying abstracts of title and providing penalties for violations thereof,

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

House Bill No. 125,

A bill for an act limiting and regulating the issuing of criminal warrants in county courts, justices of the peace, city justices and police justices, and to provide for a certificate of authority from the states attorney to such officer before a criminal warrant shall be issued,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 2, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 3,

A bill for an act regulating the practice in the Supreme Court and in the district court in certain cases.

Also,

That the Senate has refused to concur in the House amendments to Senate Bill No. 2. That the Senate has adopted a motion to appoint a Conference Committee to consist of three from the Senate and three from the House to consider said amendments and that the President has appointed as such committee on the part of the Senate, Messrs. Little, Worst and Ink.

C. C. BOWSFIELD,
Secretary.

Mr. Oliver moved

That the Speaker be requested to appoint the Conference Committee called on Senate Bill No. 2,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Oliver, Ward and Burke.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota appointed pursuant to law,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

The Speaker announced his signature to House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of the States of North Dakota and South Dakota appointed pursuant to law.

Mr. Strom moved

That the rules be suspended and that the special order for 3 o'clock be now taken up,

Which motion prevailed, and

The Committeë appointed to draft resolutions expressive of the sense of the House upon the life and death of the late Hon. Wm. Windom, Secretary of the Treasury, made the following report:

MR. SPEAKER:

Your Committee to draft resolutions expressing the sentiments of the House upon the death of Hon. Wm. Windom beg leave to submit the following report:

Resolved, That in the death of the Hon. William Windom, Secretary of the Treasury of the United States, we realize that our sister State of Minnesota loses one of its most valued and honored citizens, and the country is deprived of the services of one of its most faithful and conscientious servants.

In the vigor of life, with health's bloom upon his cheek, crowned with the honors of a high station which his genius made it possible for him to fill and adorn, with the applause which his eloquence deserved yet sounding in his ears, he suddenly and without warning, laid down his burden of life and passing the portals kept by suffering and death, found peacefully the end of that pathway which, all alike, the humble and exalted, must tread.

A multitude of friends, among whom we as representatives of the people of the commonwealth of North Dakota desire to be classed, bow down their heads in grief. His family miss the protection of his strong arm, and the deep love of his tender heart. A nation mourns with them, and offers its consolation in their sorrow.

Resolved, That the eloquent and instructive address which embodied his last words on earth be printed at length in the Journal of the House as a monument to his statesmanship and financial sagacity.

Resolved, That these resolutions be spread upon the Journal of the House, and the Chief Clerk be and is hereby instructed to have a copy properly engrossed and forwarded to the family of Mr. Windom to whom we desire to express our deep and profound sympathy at their great loss, and to add our tribute to the memory of the illustrious dead.

J. C. GILL,
G. G. BEARDSLEY,
J. V. BROOKE,

Mr. Richie moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

SECOND READING OF SENATE BILLS.

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State board of canvassers,

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

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

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

The privileges of the floor were extended to Hon. F. L. Macomber.

THIRD READING OF SENATE BILLS.

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem, and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

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

The question being upon the passage of the bill.

The roll being called there were ayes 53, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,

Messrs—

Fiske,
Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Mr. Speaker.

Messrs. Oliver and Yegen voting in the negative.

Absent and not voting:

Messrs—

Cope,
Daily,
Havrevold,

Messrs—

Hill,
Hodgson,

Messrs—

Noltimier,
Williams.

Messrs. Havrevold, Hill, Hodgson and Williams being excused.

And so the bill passed; more than two-thirds of the members present and voting, voting therefor, and

The question being upon the title of the bill,

Mr. Beardsley moved

To amend the title to read as follows:

A BILL

For an Act for the Appropriation of Moneys for the Payment of Mileage and Per Diem of Members, and the Salaries; of Employes of the Legislative Assembly of the State of North Dakota, and Authorizing the Payment Thereof.

Which motion prevailed, and

The title was so amended.

Senate Bill No. 9,

A joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

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

The question being upon the passage of the bill,
The roll being called there were ayes 38, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrar,	McKendry,
Beardsley,	Fay,	Noltimer,
Bjornson,	Fiske,	Osgood,
Brown,	Graber,	Richie,
Burke,	Haight,	Satterlund,
Burton,	Hall,	Skinner,
Christianson,	Hanson,	Strom,
Colosky,	Holte,	Triplett,
Cunningham,	Holritz,	Walton,
Davis,	Horgan,	Ward,
Dennett,	Loomis,	Yegen,
Douglas,	Loring,	Mr. Speaker.
Ebbighausen,	Lutz,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Erickson,	Lamb,	Smith,
Foss,	Larson,	Tufts,
Gill,	McCulloch,	Wallen,
Kearney,	Peabody,	Watson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Havrevold,	Peterson,
Cope,	Hill,	Thompson,
Daily,	Hodgson,	White,
Daniel,	Oliver,	Williams.

Messrs. Havrevold, Hill, Hodgson and Williams being excused.

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

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

Also,

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

THIRD READING OF HOUSE BILLS.

The House returned to the Third Reading of House Bills, and House Bill No. 9,

A bill for an act to provide facilities for marketing wool,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,
The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,

Messes—

Fiske,
Gill,
Graber,
Haight,
Hall,
Hanson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McKendry,
Noltmier,
Oliver,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Brown,
Havrevold,

Messrs—

Hill,
Hodgson,
McCulloch,

Messrs—

White,
Williams.

Mr. Foss voting in the negative.

Messrs. Havrevold, Hill, Hodgson and Williams being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Lutz moved

To reconsider the vote just taken and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

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

Mr. Gill asked unanimous consent to amend the bill by adding at the close of Section 4 the words "so help me God,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended.

The roll being called there were ayes, 46; nays, 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Noltimier,
Beardsley,	Fay,	Osgood,
Bjornson,	Foss,	Peabody,
Brooke,	Gill,	Peterson,
Brown,	Graber,	Richie,
Burke,	Haight,	Satterlund,
Burton,	Hall,	Skiinner,
Christianson,	Hanson,	Smith,
Colosky,	Holritz,	Strom,
Cunningham,	Horgan,	Triplett,
Daily,	Kearney,	Tufts,
Davis,	Lamb,	Wallen,
Dennett,	Larson,	Walton,
Douglas,	McCulloch,	Watson,
Ebbighausen,	McKendry,	Mr. Speaker.
Erickson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cope,	Fiske,	Ward.
Daniel,	Thompson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Havrevold,	Loomis,	White,
Hill,	Loring,	Williams,
Hodgson,	Lutz,	Yegen.
Holte,	Oliver,	

Messrs. Havrevold, Hill, Hodgson and Williams being excused.

So the bill passed and the title was agreed to.

Mr. Walton moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

Address of the Hon. Wm. Windom, Secretary of the Treasury, before the New York Board of Trade. (Printed in accordance with a resolution of the House.)

Mr. President and Gentlemen of the Board of Trade and Transportation:

Early association with the charter members of your board, and full sympathy with the objects and purposes of its organization, make this an occasion of peculiar interest to me. The country owes you a debt of gratitude

for what you have done in the interests of better and cheaper transportation. Fifteen years ago, when your board was organized and entered upon its work, our facilities for the interchange of products were quite inadequate, and freight charges were more than double what they are now.

Improvements made by the transportation companies themselves have been very satisfactory, but though much has been accomplished in the cheapening of rates much more remains to be done. If I might be allowed to suggest, parenthetically, another very desirable improvement, it would be that more water be put into our harbors and canals, and less into our railroad stocks.

I am to speak briefly of the instruments of commerce in their relation to the wealth and prosperity of our country.

The subject is very broad and my time very limited. I shall therefore confine my remarks to the two chief instrumentalities of commerce--transportation and money. By the former commodities change places, and by the latter they exchange owners. Even as to these I must content myself with the bare statement of a few facts and deductions.

A nation's wealth and prosperity are usually in proportion to the extent and success of its commerce, and commerce itself is dependent upon the adequacy and adaption of these two essential instruments.

The history of all civilized countries attests the facts that the nation best equipped in these respects rapidly becomes the most powerful, the richest and the most prosperous.

DOMESTIC COMMERCE.

Our own country is no exception to this rule. No nation has ever fostered more liberally, or protected more carefully its internal and coastwise trade, than we have done, and the resultant magnitude and prosperity of our domestic commerce is, I believe, without a parallel in the history of the world. For the accommodation and development of our home trade we have built 45 per cent. of all the railroads of the world. We have more miles of railroads than all Europe, Asia and Africa combined. The floating tonnage of the United States, engaged in coastwise commerce and on our lakes and rivers, is very far in excess of that of any other nation. One or two comparisons will convey some idea of this stupendous commerce. The tonnage which passed through the Detroit river alone during the 234 days of navigation in 1889 exceeded by 2,468,127 tons the entire British and foreign tonnage which entered and cleared at London and Liverpool that year in the foreign and coastwise trade.

The freight which passed through the St. Mary's Falls Canal in 1890 exceeded by 2,257,876 tons the entire tonnage of all nations which passed through the Suez Canal in 1889.

The freight carried on railroads of the United States in 1890 exceeded by over 36,000,000 tons the aggregate carried on all the railroads of the United Kingdom, Germany, France and Russia in 1889.

Commodities are interchanged among our own people with greater facility and at cheaper rates (distance being considered), than in any other country on earth.

The increase of national wealth and prosperity, largely due to this system of protection to our home markets and domestic trade, and to the generous development of these instrumentalities of commerce, has become the marvel of the world. Take a few comparisons based upon the United States census of 1880 and upon figures furnished by Mr. Mulhall, the English statistician.

In manufactures we exceeded Great Britain in 1880 by \$1,579,570,191, France by \$2,115,000,000 and Germany by \$2,305,000,000.

In products of agriculture we excelled Great Britain by \$1,425,000,000, France by \$625,000,000 and Germany by \$925,000,000.

Our earnings or income for 1880 from commerce, agriculture, mining, manufactures, the carrying trade and banking exceeded those of Great Brit-

ain from the same sources by \$1,250,000,000, France by \$2,395,000,000 and Germany by \$2,775,000,000.

Our increase of wealth from 1870 to 1880, as compared with that of other nations, was:

United States.....	\$13,573,481,493
Great Britain.....	3,250,000,000
France.....	1,475,000,000
Germany.....	3,625,000,000

In 1880 our home market consumed about \$10,000,000,000 worth of our own products, an amount equal to the entire accumulated wealth of Spain, three times the increase of wealth in Great Britain for ten years, and seven times the increase of France for the same period. Our home markets that year absorbed five times as much of our manufactured products as Great Britain exported of hers to all the markets of the world.

Of course, I do not claim that all this marvelous development of wealth is due to railroads and ships, but without them it would certainly have been impossible. But for these instrumentalities of commerce the rich farms of the West and South, and even of the Middle States, would have slumbered in primeval silence, and the myriads of shops and factories would never have existed. Were the ship and the railroad withdrawn business would be paralyzed, and desolation would reign supreme over more than half of our broad domain.

FOREIGN COMMERCE.

Contrast these grand results of our liberally developed domestic commerce, operating upon our protected industries, with the present shameful condition of our foreign carrying trade, which has not only been sadly neglected but sometimes treated with actual hostility by the government.

There was a time when we stood first among the nations in ship building, and Great Britain alone excelled us in ocean tonnage. Once 5 per cent of our imports and 89 per cent. of our exports were carried in American bottoms, and our merchant marine became the boast of every citizen and the envy of the world.

Now, so far as foreign trade is concerned, our shipyards are comparatively silent, and our flag has almost disappeared from the high seas. The relative decline in our foreign shipping has been constant and alarming, until in 1889 only 12 $\frac{1}{4}$ per cent. of our imports and exports was carried in American bottoms, being the smallest percentage in any year since the formation of the government. Time will not permit me to trace the rise and fall of this industry, or to point out in detail the causes which have resulted in our present humiliating and unprofitable condition. Suffice it to say that the fault was not with the founders of our government. They fully appreciated the value and the necessity of a strong and healthy merchant marine, and left on record no doubt of their purpose to protect the interests of the Republic on the water as well as on the land. The second act passed by the First Congress—July 4, 1789—provided for the protection of American shipping by the imposition of a discriminating duty in favor of teas brought in American vessels, thereby signaling the first Fourth of July under the Constitution, by a declaration of commercial independence, as a supplement to the declaration of political independence made thirteen years before.

The third act of Congress, passed sixteen days later, imposed tonnage duties as follows:

	Cents.
American vessels, per ton.....	06
American-built vessels belonging to foreigners, per ton.....	30
All other vessels, per ton.....	50

On the first of September the same year Congress prohibited any but American vessels from carrying the American flag.

By the tariff act of 1794 an additional discriminating duty of 10 per cent was levied on all goods imported in vessels not of the United States. And in

all changes of the tariff prior to the war of 1812 this discriminating duty of 10 per cent was re-enacted. So great was the development of our ship building and shipping interests under the fostering influence of these acts that we sold ships, amounting to hundreds of thousands of tons, to foreigners, and soon took front rank among maritime nations.

Voicing the national pride in 1825, Daniel Webster said: "We have commerce which leaves no sea unexplored; navies which take no law from superior force." How like bitter irony the words would sound in 1891! The brilliancy of our achievements on the ocean begat over confidence, and listening to the siren voice of free trade, we gradually yielded to the seductive phrase, "reciprocal liberty of commerce," which at that time became very popular, until 1828 Congress swept away all protection to our foreign shipping interests, and opened our ports to the ships of all nations on the same terms as to our own. So strong had our position become under the protective policy of the first twenty-five years of national life that our merchant marine continued to be prosperous so long as wooden vessels were the only vehicles of ocean commerce and other nations refrained from heavy subsidies to their ships. But when wooden vessels began to be supplanted by iron steamers, and European governments poured their contributions into the treasuries of their steamship companies, the decadence of American shipping began and has continued ever since. How could it be otherwise? The American people ask no odds against any in the world. Give them an even chance and they will distance all competitors, but how can they be expected to compete unaided against foreign ship yards and ship owners, backed by the power and the treasuries of their governments? The amount which has been thus contributed to sweep our commerce from the seas cannot be accurately stated, but it is known to have reached hundreds of millions of dollars.

The mischief and its cause are both apparent. What is the remedy? It can not be found in the re-enactment of the legislation of 1789, because treaties stand in the way, and it would not now be expedient even if there were no treaties on the subject. In my judgment the remedy is plain and easily applied. If we would regain our lost prestige, reinstate our flag up on the ocean and open the markets of the world to American producers, we must make the contest with the same weapons which have proved so successful in the hands of our rivals. No nation can better afford this kind of contest than ourselves. Surely no object is of greater importance than the enlargement of our foreign markets, and nothing will contribute so much to that end as the command of direct and ample facilities for reaching them. The folly and the danger of depending upon our competitors for the means of reaching competitive markets can not be expressed. Aid to our merchant marine is not aid to a class, but to the whole people—to the farmer, the merchant and the manufacturer, quite as much as to the ship builder and the ship owner.

But it will cost money. Will it pay? Yes, an hundred fold. The aggregate of our foreign carrying trade for the past twenty-five years, while not more than one-tenth our domestic trade, has, nevertheless, reached the enormous sum of \$29,465,124,920. Estimating the cost of transportation at 10 per cent. of the value of the goods, we have an expenditure of about \$3,000,000,000, at least 80 per cent. of which—\$2,400,000,000—has been paid to foreign shipowners. If we add to this \$20,000,000 a year paid for passage money, we have a grand total of \$2,900,000,000 paid to foreign labor and capital during the last quarter of a century, a sum larger by nearly two hundred millions than the maximum of our bonded debt growing out of the late war. Are not the benefits which would accrue from paying these sums to our own people worth saving? During that period we have exported of gold and silver, to pay balances of trade against us, an excess of \$607,000,000 more than we have imported. Had we carried a fair share of our own foreign commerce in American ships, owned by American citizens, and manned by American seamen, this vast sum, and much more, might have been retained at home to enrich our own people.

Suppose that for twenty-five years we had given \$5,000,000 a year in aid

of our foreign shipping, and reduced by that amount the prepayment of our bonded debt, should we not have been far better off than we are now?

Is it not high time these vast interests receive attention? Have we not tried the do nothing policy long enough. Shall we give that protection and support to our foreign merchant marine that other nations give to theirs, and which we freely give to all our other great interests, or shall we accept as inevitable our present shameful position? I regret to say that the uniform record of indifference, if not actual hostility, during the last fifty years, affords little reason for encouragement. In fact, the tendency of late has been to surrender to foreigners even our domestic commerce rather than to assert ourselves upon the ocean. Discriminations of the most astonishing character have been made, both by Congress and by Treasury regulations in favor of Canadian railroad lines and steamships against our own. One instance of this kind may serve to illustrate the nature and extent of many other discriminations of like character. Asiatic merchandise destined for New York, if brought in American vessels to San Francisco, must undergo all the forms and delays of entry, under the strict scrutiny of customs officers, and be then placed in cars heavily bonded, for transportation through our own country to New York, while the same merchandise, if brought in Canadian or British steamships to Vancouver, is transferred at once, and without any substantial surveillance, to Canadian railways, which are not required to give bond, but are permitted to pass our frontier and proceed to New York or other Eastern ports unvexed by any of the disagreeable attentions of customs officers. The same discrimination has existed for years in favor of European goods landed at Montreal and transferred to Canadian railroads for Western American ports, against goods landed at New York, Boston and other Eastern ports, to be transported wholly through our own country to their Western destination. The results of these unfair and unjust discriminations against our own people and our own transportation lines has been, not only to seriously jeopardize the revenues, but also to build up foreign transportation interests at the expense of our own.

"Reciprocal liberty of commerce" is a high sounding, seductive phrase, but the kind of liberty our foreign shipping interest has enjoyed for the last fifty years is the liberty to die under unjust discriminations of the London Lloyd's Register Association, the crushing power of European treasuries, and the utter neglect and indifference of our own government. Reciprocity itself is a most valuable thing, if kept within the lines of protection, but reciprocity by which we surrender our merchant marine to our rivals, or give away a home market worth ten times more to us than all the other markets of the world in a vain attempt to grasp an uncertain market abroad, is a policy freighted with immeasurable disaster.

Presidents of the United States have repeatedly expressed the national humiliation and appealed to Congress for action in behalf of our rapidly vanishing merchant marine, but thus far their words have fallen upon deaf ears. Let us hope that the urgent appeals of President Harrison on this subject may bear fruit in some well devised measure of protection and encouragement.

MONEY.

Pardon a few words with reference to the instrument by which commodities exchange ownership.

It is as essential to commerce that the currency with which it is conducted be adapted, both in quantity and quality, to the wants of trade as that the vehicles of transportation should be adapted to their purposes. If the circulation be deficient, trade is crippled, prices fall, obligations are dishonored, distrust is created, and commercial panic and disaster ensue. If, on the other hand, circulation be redundant, prices become temporarily inflated, wild speculations are stimulated, debts are recklessly contracted, credit is dangerously expanded, and for a time trade seems to float upon the high tide of success, when suddenly the failure of some large firm or banking house discloses the true situation, and the entire fabric of fictitious prosperity falls.

with a crash even more disastrous than can be produced by a deficient circulation.

The ideal financial system would be one that should furnish just enough of absolutely sound currency to meet the legitimate wants of trade, and no more; and that should have enough elasticity of volume to adjust itself to the varying necessities of the people. I know this seems difficult of attainment, but I believe it is substantially possible. Could such a circulating medium be secured, the gravest commercial disasters which threaten our future might be avoided. These disasters have always come when unusual activity in business has caused an abnormal demand for money, as in the autumn, for the movement of our immense crops. There will always be great danger at those times under any cast iron system of currency, such as we now have. Had it not been for the peculiar conditions which enabled the United States Treasury to disburse over \$75,000,000 in about two and a half months last autumn, I am firmly convinced that the stringency, in August and September, would have resulted in widespread financial ruin. Like commercial conditions will frequently occur, but it is not at all probable that they can be encountered, and their consequences averted by like action of the government; nor is it desirable that such power should be lodged with the Secretary of the Treasury.

I am thoroughly convinced that a better method can be devised, which will, in a large degree, place the power of expansion and contraction in the hands of the people themselves. The opportunity for securing such a currency may be found in our bonded debt, which should, in my judgment, be in part exchanged for interconvertible bonds bearing a low rate of interest, and always interchangeable for money at the will of the holder. Of course I cannot now enter upon an argument on this subject, but I may be excused for briefly mentioning the only objection I have ever heard to the plan which has any apparent weight, viz., that it would cause an outflow of money from the Treasury when speculations run high, and an inflow in times of threatened panic, and would therefore tend to "inflate inflation and contract contraction." This objection was conclusively answered and the policy triumphantly vindicated in 1862 and 1863, under the administration of Salmon P. Chase, who was one of the ablest Secretaries of the Treasury we have ever had. Mr. Chase had urged and Congress had authorized what he called the "Savings Bank of the People," whereby they could deposit in the Treasury up to the limit of \$100,000,000 and receive an interconvertible bond, drawing not more than 5 per cent. interest, which bond was again convertible into cash at the will of the holder on ten days' notice. It is well known that the year 1862 and the first half of 1863 was a period of most active speculation, and yet those deposits continually increased, until on June 30, 1863, they had overrun the limit and amounted to \$104,934,102.

In August and September of 1863 the unusual activity of business had placed the country in the same condition it was last autumn. A severe stringency set in, and panic was threatened. Did this vast deposit of over \$100,000,000 remain in safe hiding, and thereby intensify the stringency? Exactly the reverse occurred. At the time when it is argued that everybody who could avail himself of this safe and convenient place for hoarding money, and draw 4 and 5 per cent. interest on it until the storm should pass, the money actually flowed out at the rate of millions a day, until on December 1, 1863, \$59,427,000 had come out to the relief of business, and a commercial crisis had been thereby averted. I commend this item of history as of more value than any theory.

The quality of circulation is even more important than the quantity. Numerous devices for enlarging credit may, and often do, avert the evils of a deficient circulation, and a redundancy may sometimes modify its own evils before their results become universal, but for the baleful effects of a debased and fluctuating currency there is no remedy, except by the costly and difficult return to sound money. As poison in the blood permeates arteries, veins, nerves, brain and heart, and speedily brings paralysis or death, so does a de-

based or fluctuating currency permeate all the arteries of trade, paralyze all kinds of business, and bring disasters to all classes of people. It is as impossible for commerce to flourish with such an instrument as it is for the human body to grow strong and vigorous with a deadly poison lurking in the blood. Such a currency is bad enough in domestic trade, but it is absolutely fatal to the prosperity of foreign commerce. The nation that attempts to conduct its foreign trade with a currency of uncertain value, or of inferior quality, is placed at a fearful disadvantage. It would seem superfluous to impress this universal and well known experience were it not too apparent that this nation has been in danger of repeating the costly experiment with just such a currency. The tendency of events has recently been in that direction, and the apprehension of danger created thereby has caused the loss, since December 1st, of over \$24,000,000 of gold from the treasury, and of probably a much larger amount from the circulation. I am happy to say, however, that this peril seems now to have passed, and it is to be hoped its evil effects will soon disappear. The "sober second thought" of the people is asserting itself as usual, and signal lights of safety are here and there becoming visible.

Let me speak very plainly on this most important subject.

Believing that there is not enough of either gold or silver in the world to meet the necessities of business I am an earnest bi-metallist and concede to no one a stronger desire than I feel for the free and unlimited coinage of silver, as soon as conditions can be reached through international agreement or otherwise, by which such coinage shall be safe. But it is my firm conviction that for this country to enter upon that experiment now and under existing conditions would be extremely disastrous, and that it would result, not in bi-metallism, but in silver mono-metallism. Such an experiment would, in my judgment, prove a greater disappointment to its advocates than to anyone else. They insist that it would expand the circulation and permanently enhance the value of silver. I believe it would produce a swift and severe contraction and eventually reduce the market value of silver. Let me briefly suggest some of my reasons for this belief:

Free and unlimited coinage of silver by the United States, while the other great nations pursue an opposite policy, would invite all the owners of that metal throughout the world to exchange $371\frac{1}{4}$ grains of pure silver, worth about 83 cents, for 23.22 grains of pure gold, worth everywhere 100 cents. Nearly all the nations of Europe are anxious to exchange their silver for gold, and they would at once accept so tempting an offer. The mint statistics of the Treasury Department show that the stock of full legal tender silver in Europe amounts to \$1,101,400,000, and that of this amount the banks of France, Germany, Austro-Hungary, the Netherlands and Belgium hold \$428,866,665. A large part of these vast stocks of silver would be ready for transfer to us at once, and the swiftest steamers would be employed to deliver it to the treasury in order that with the proceeds the owners might buy gold exchange on Europe before our stock of gold should be exhausted.

Would our own people await the arrival of these silver argosies from Europe before acting. Not unless the Yankee has lost his quick scent of danger and forgotten his cunning. Bank depositors, trust companies, the holders of United States notes and gold certificates would instantly lock up all the gold at command, and then join the panic inspired procession to the Treasury, each and all anxious to be in time, to grasp the golden prize before it is too late. Probably before the swiftest ocean greyhound could land its silver cargo in New York the last gold dollar within reach would be safely hidden away in private boxes, and in the vaults of safe deposit companies, to be brought out only by a high premium for exportation. This sudden retirement of \$600,000,000 of gold, with the accompanying panic, would cause contraction and commercial disaster unparalleled in human experience, and our country would at once step down to the silver basis, when there would be no longer any inducement for coinage, and silver dollars would sink to their bullion value.

When the silver dollar ceases to have more value than the bullion it con-

tains there will be little inducement to coin our own silver, and the cost of transportation will prevent its coming from abroad. How, then, will unlimited coinage either expand the circulation or enhance the value of silver?

As if determined to omit nothing which might accelerate these results, the advocates of present free coinage insist that it shall not await the slow process of mint operations, but that the printing press shall be set to work providing certificates to be issued for silver bullion at \$1 for 371 $\frac{1}{4}$ grains.

When this consummation shall be reached, as surely it will be if unlimited coinage be adopted under existing conditions, the too ardent and impetuous lovers of silver will sadly realize the truth uttered by the wise King of Israel: "He that loveth silver shall not be satisfied with silver."

Mr. President and gentlemen, my subject has tempted me to impose upon your patience. I will close by merely calling your attention to one other thing which I deem very important both to our commercial and financial interest, viz.: the passage of the bill now pending in Congress for the establishment of an international bank to facilitate our exchanges with Mexico and Central and South America. New York is destined, at no distant day, to become the financial as well as the commercial center of the world, and such an institution would in my judgment be along step toward that end, as well as a most valuable instrumentality for the promotion of commerce with those countries.

Give us district and ample transportation facilities under the American flag and controlled by American citizens; a currency sound in quality and adequate in quantity; an international bank to facilitate exchanges, and a system of reciprocity carefully adjusted within the lines of protection; and not only will our foreign commerce again invade every sea, but every American industry will be quickened and our whole people feel the impulse of a new and enduring prosperity.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to examine and correct the Journal of the twenty-eighth day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the twenty-eighth day have examined the same, and recommend that the word "held" where it occurs in line 2 on page 16 be changed to "help," and that with this exception the Journal be approved.

C. A. BURTON,
Chairman.

Mr. Speaker appointed as the committee to examine and correct the Journal, Messrs. Foss, Hanson and Cope.

PRESENTATION OF PETITIONS, COMMUNICATIONS, ETC.

Mr. Burke presented the following petition:

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

We, the undersigned taxpayers of the county of Rolette, State of North Dakota, humbly petition your honorable body, now in session, to extend the date for the payment of the taxes for the year 1890, and all delinquent taxes of prior years, to the 1st day of November, 1891, and that all tax payments, both real and personal, be extended to that date, and the interest and penalty be suspended to that date.

We respectfully submit that our reasons for asking this are as follows:

Our crops in Rolette county have been a partial or total failure for the past three years and our farmers are reduced to almost destitute circumstances and if collection is enforced would be left without means to live, and if interest and penalties accumulate will never be able to pay them.

And your petitioners will ever pray.

CHARLES R. LYMAN,
And 44 others.

Dated Rolette County, State of North Dakota, January 5, 1891.

Also the following petition and resolution:

DUNSEITH, N. D., January 8, 1891.

To the Honorable Board of County Commissioners of Rolette County:

GENTLEMEN: Nine-tenths of the farmers of this county have no seed to sow in the spring. Neither have they the means to obtain any. Unless some provision is made to provide seed grain for those farmers who cannot procure it for themselves, there will be thousands of acres of land idle this year, which otherwise would be cultivated.

Therefore, we pray your honorable body to urge the present State Assembly to enact some legislation whereby our county may be relieved of its dire need of seed grain.

Very respectfully, your petitioners,

J. D. EATON,
And 29 others.

Resolution passed at the January meeting of the board of county commissioners of Rolette county:

WHEREAS, A petition has been presented to this board by the resident taxpayers of this county, addressed to the Legislative Assembly of this State regarding delinquent taxes, and having considered said petition, now, therefore, be it

Resolved, That this board of county commissioners hereby express their approval of the merits of said petition and heartily recommend its consideration by said Legislature and action by it in accordance with the prayer of said petition; also,

Resolved, That the county auditor transmit a copy of this resolution with said petition to the representative of this Legislative district at the earliest possible day.

The above resolution was approved without dissent.

A. O. GRAHAM,
County Auditor.

Mr. Burke moved

That the resolution and petition be referred to the Committee on Agriculture,

Which motion prevailed, and

The petition and resolution were so referred.

Mr. Gill presented the following:

Resolution adopted by the Cass County Sunday School Convention, December 9, 1890.

Resolved, That the Sabbath school workers of Cass county, N. D., in convention assembled, hereby declare themselves opposed to the resubmission of the question of prohibition to the voters of our State, but that they do favor the rigid enforcement of our excellent prohibitory law, and their further amendment so as to banish from our border all "original package houses."

We instruct our executive committee to sign this resolution and furnish a copy to every member of the Cass County Legislative delegation.

A. L. WALL,
FRED HEATH,
CHARLES MELLETTTE,
Executive Committee.

Mr. Brooke moved

That the communication be referred to the Committee on Temperance,

Which motion prevailed, and

The communication was so referred.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

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. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, A. D. 1877,

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

By striking out Section "3" of the bill.

And that when so amended the bill do pass.

Also,

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State board of canvassers,

And recommend that the same do pass.

Also,

House Bill No. 13,

A bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890.

And recommend that the title of the bill be amended so as to read as follows:

A bill for an act to amend Section 103 of Chapter 132, Session Laws of 1890, entitled "An Act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto.

And when so amended recommend that said bill be referred to the Committee on Taxation and Tax Laws.

Also,

House Bill No. 35,

A bill for an act to revise the law in relation to justices and constables in civil cases,

And recommend that the same do not pass.

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

And recommend that the same be amended as follows:

Amend Section 1 by striking out of line 4 of printed bill the word "legislative."

And when so amended recommend that the bill do pass.

Also,

House Bill No. 119,

A bill for an act to provide for the filing of a statement of the contents of chattel mortgages with the township clerk of townships in which the mortgagor resides,

And recommend that the same do not pass.

GEO. H. FAY,
Chairman.

Mr. Burke moved

That House Bill No. 119 be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 120,

A bill for an act to amend Section 15 of Chapter 21 of the Political Code, it being Section 574 of the Compiled Laws of 1887,

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

GEO. H. FAY,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 6,

A bill for an act repealing an act entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

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

Also,

House Bill No. 62,

A bill for an act allowing counties and municipal corporations whose indebtedness is up to the constitutional limitation to use 50 per cent of general fund moneys for current expenses.

And recommend that the same do not pass.

Also,

House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended,

And recommend that the same be amended as follows:

In line 15, Section 1, of printed bill, after the word "warrants" insert the following proviso: "*Provided, further,* That nothing in this amendment shall be construed to prevent said commissioners in their discretion from using said money for the purposes of purchasing seed grain under the regulations of this act."

And when so amended recommend that said bill do pass.

FRED DENNETT,
Chairman.

The Committee on Elections and Privileges made the following report:

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was referred

House Bill No. 77,

A bill for an act to provide for the payment of the expense of contested elections,

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

Also,

House Bill No. 2,

A bill for an act to secure more fully the independence of electors at public elections, to enforce the secrecy of the ballot and to provide for the printing and distribution of ballots at the public expense in the State of North Dakota,

And

House Bill No. 4,

A bill for an act to provide for the protection and regulation of primary elections,

And report the same back to the House and recommend that said bills be referred to the Joint Committee on Elections.

H. H. STROM,
Chairman.

Mr. Strom moved

To adopt the report as far as it relates to the recommendation to refer the bills to the Joint Committee on Elections,
Which motion prevailed.

Mr. Speaker designated Mr. Brooke to serve on the Joint Committee on Elections in place of Mr. Burke, resigned.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

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

Amend Section 12, line 10, printed bill by striking out the figures and words "4½ per cent." and insert the figure and words "4 per cent."

Also add the following emergency clause:

Whereas an emergency exists, in that there is no law providing for the incorporation and regulation of life endowment and casualty insurance companies; therefore this act shall be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

And recommend that the same be amended as follows:

Add Section 24, Emergency Clause.

Whereas, an emergency exists in that there is no law providing for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies; therefore this act shall be in force from and after its passage and approval.

And having been so amended the committee recommend that the bill do pass.

J. C. GILL,
Chairman.

Mr. Gill moved

To adopt the report of the Committee on Insurance on House Bills Nos. 65 and 66,

Which motion prevailed, and
The report was adopted.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred
House Bill No. 55,

A bill for an act to provide for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, county of Dickey, and State of North Dakota, agreeable to the provisions of the third sub-division of Section 126, of the Constitution of this State,

And return the same without recommendation.

C. A. BURTON,
Chairman.

Mr. Gill moved

That House Bill No 55 be referred to General Orders,
Which motion prevailed.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred
House Bill No. 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public lands,

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

C. A. BURTON,
Chairman.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Yegen introduced—

House Bill No. 133,

A bill for an act requiring county physicians to visit all sick or injured persons in their county, or in any county attached thereto for judicial purposes, on being requested to do so,

Which was read the first time.

Mr. Erickson (by request) introduced—

House Bill No. 134,

A bill for an act to amend an act, entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer,"

Which was read the first time.

Also, (by request),

House Bill No. 135,

A bill for an act to amend an act entitled, "An Act to amend Chapter 48 of the Session Laws of 1889, entitled an act to amend Section 103 of Chapter 28 of the Political Code, relating to publication of receipts and disbursements of county treasurers,"

Which was read the first time.

Mr. Beardsley introduced—

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public offices of the State,

Which was read the first time.

Mr. Yegen introduced—

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

Which was read the first time.

Mr. McKendry introduced—

House Bill No. 138,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Which was read the first time.

Mr. Daily introduced—

House Bill No. 139,

A bill for an act to amend Sections 61, 63 and 70, Article 5, Chapter 62 of School Laws of 1890, regulating the compensation of school officers,

Which was read the first time.

Mr. Christianson (by request) introduced—

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

Which was read the first time.

Mr. Colosky (by request) introduced—

House Bill No. 141,

A bill for an act providing for an annual appropriation for expenses of the Commissioners of Railroads at the annual meeting of the National Convention of Railroad Commissioners,

Which was read the first time.

Mr. Havrevold (by request) introduced—

House Bill No. 142,

A bill for an act to amend Sections 7 and 10, Chapter 91 of the Session Laws of 1890, pertaining to marriage licenses,

Which was read the first time.

House Bill No. 128,

A bill for an act to prohibit the mortgaging of real and personal

property in the same instrument, and providing a penalty therefor.

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 3, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith a Joint Resolution and Memorial to the Legislative Assembly of the State of Minnesota, Which the Senate has passed, and your concurrence therein is respectfully requested.

Also,

Senate Bill No. 78,

Joint Memorial relating to Fort Totten.

Also,

Senate Bill No. 31,

A bill for an act to amend Section 31, of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

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

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 3, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have this day approved House Bill No. 44,

An Act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law.

Very respectfully,

ANDREW H. BURKE,
Governor.

Mr. Strom moved

That the rules be suspended and that all House Bills that have been read the first time be now read the second time and referred to their appropriate committees,

Which motion prevailed, and
House Bill No. 133,

A bill for an act requiring county physicians to visit all sick or injured persons in their county or in any county attached thereto for judicial purposes, on being requested to do so,

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

House Bill No. 134,

A bill for an act to amend an act entitled "An act to provide for a system of accounts for the State Auditor and State Treasurer,"

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

House Bill No. 135,

A bill for an act to amend an act entitled "An act to amend Chapter 48 of the Session Laws of 1889 entitled 'An act to amend Section 103 of Chapter 28 of the Political Code relating to publication of receipts and disbursements of county treasurers,'"

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

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State,

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

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior and both branches of the National Congress at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on Fort Rice military reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

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

House Bill No. 138,

A bill for an act declaring certain mills public mills and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

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

House Bill No. 139,

A bill for an act to amend Sections 61, 63 and 70, Article 5, Chapter 62 of School Laws of 1890, regulating the compensation of school officers,

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

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

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

House Bill No. 141,

A bill for an act providing for an annual appropriation for expenses of the Commissioners of Railroads at the annual meeting of the National Convention of Railroad Commissioners,

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

House Bill No. 142,

A bill for an act to amend Sections 7 and 10, Chapter 91 of the Session Laws of 1890, pertaining to marriage licenses,

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

House Bill No. 128,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor,

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

SECOND READING OF HOUSE BILLS.

Substitute for House Bill No. 58,

A bill for an act to protect bank depositors,

Was read the second time.

Substitute for House Bill No. 53,

A bill for an act to amend Section 2 of an act entitled "An act providing for certain legal printing and fixing the compensation therefor, Chapter 51, Session Laws of 1887,"

Was read the second time.

THIRD READING OF HOUSE BILLS.

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

Was read the third time, and

Mr. Oliver moved

That the bill be recommitted to the Judiciary Committee for amendment,

Which motion prevailed, and

The bill was recommitted.

House Bill No. 47,

A bill for an act to amend Section 2366, as found in the Compiled Laws of 1887,

Was read the third time, and

Mr. Oliver moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Burton moved

That the further consideration of House Bill No. 57 be indefinitely postponed,

Which motion prevailed.

Mr. Oliver moved

That the further consideration of House Bill No. 68 be indefinitely postponed,

Which motion prevailed.

Mr. Gill moved

That the further consideration of House Bill No. 54 be indefinitely postponed,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Also,

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey.

Also,

House Bill No. 49,

A bill for an act for the protection of game.

Also,

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of fire arms or ammunition for the same to any Indians who are not citizens of the United States.

Also,

House Bill No. 93,

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889, relating to chattel mortgages.

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120, of the Gen-

eral Laws of 1890, entitled "An Act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of firearms or ammunition for the same to any Indians who are not citizens of the United States,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Noltmier,
Bjornson,	Gill,	Osgood,
Brooke,	Graber,	Peabody,
Brown,	Haight,	Peterson,
Burke,	Hanson,	Richie,
Burton,	Havrevold,	Satterlund,
Christianson,	Hill,	Skinner,
Colosky,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daily,	Horgan,	Triplett,
Daniel,	Kearney,	Wallen,
Davis,	Lamb,	Walton,
Dennett,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	Williams,
Erickson,	Lutz,	Yegen,
Farrah,	McCulloch,	Mr. Speaker.
Pay,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	White.
Foss,	Tufts,	

Mr. Oliver voting in the negative.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

House Bill No. 93.

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889, relating to chattel mortgages,

Was read the third time.

Mr. Williams moved

That the further consideration of House Bill No. 93 be indefinitely postponed,

Which motion was lost, and

The question being upon the passage of the bill,

The roll being called there were ayes 41, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Havrevold,	Peterson,
Bjornson,	Hill,	Richie,
Brooke,	Hodgson,	Skinner,
Burke,	Holte,	Smith,
Burton,	Holritz,	Strom,
Colosky,	Horgan,	Thompson,
Cope,	Loomis,	Tufts,
Dennett,	Loring,	Wallen,
Erickson,	McCulloch,	Walton,
Farrah,	McKendry,	Ward,
Fay,	Noltimier,	Watson,
Fiske,	Oliver,	White,
Gill,	Osgood,	Yegen.
Hanson,	Peabody,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Ebbighausen,	Larson,
Christianson,	Foss,	Lutz,
Cunningham,	Graber,	Satterlund,
Daily,	Haight,	Triplett,
Daniel,	Hall,	Williams,
Davis,	Kearney,	Mr. Speaker.
Douglas,	Lamb,	

Mr. Axvig being absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey,

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

Mr. Fay moved

To amend the bill by striking out the words "this act shall take effect and be in force from and after its approval,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended.

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Osgood,
Beardsley,	Gill,	Peabody,
Bjornson,	Graber,	Peterson,
Brooke,	Haight,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Havrevold,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Hodgson,	Strom,
Colosky,	Holte,	Thompson,
Cope,	Holritz,	Triplett,
Cunningham,	Horgan,	Wallen,
Daily,	Kearney,	Walton,

Messrs—	Messrs—	Messrs—
Daniel,	Lamb,	Ward,
Davis,	Larson,	Watson,
Dennett,	Loomis,	White,
Ebbighausen,	Loring,	Williams,
Erickson,	Lutz,	Yegen,
Farrah,	Noltimier,	Mr. Speaker.
Fay,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Douglas,	Hall,	McKendry,
Foss,	McCulloch,	Tufts.

And so the bill passed, and the title was agreed to.

Mr. McCulloch gave notice that he would move to-morrow to reconsider the vote by which House Bill No. 93 was passed.

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

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

The question being upon the passage of the bill,
The roll being called there were ayes 47, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Gill,	Peabody,
Bjornson,	Graber,	Richie,
Brooke,	Haight,	Satterlund,
Brown,	Hall,	Skinner,
Burke,	Hanson,	Smith,
Burton,	Havrevold,	Strom,
Christianson,	Hodgson,	Thompson,
Colosky,	Holte,	Tufts,
Cope,	Holritz,	Wallen,
Daniel,	Kearney,	Walton,
Davis,	Loomis,	Ward,
Dennett,	Loring,	Watson,
Ebbighausen,	Lutz,	White,
Erickson,	McKendry,	Williams,
Farrah,	Oliver,	Mr. Speaker.
Fay,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Horgan,	Noltimier,
Daily,	Lamb,	Peterson.
Fiske,	Larson,	Triplett,
Foss,	McCulloch,	Yegen.
Hill,		

Absent and not voting: Messrs. Cunningham and Douglas.

So the bill passed and the title was agreed to.

Mr. Tufts moved

That the vote by which House Bill No. 93 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion was lost.

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

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

Mr. Brook moved

That the rules be suspended and that the bill be amended as follows:

In lines 10, 11 and 12 of Section 1, strike out the words "has been regularly published for six months immediately preceding the first publication of such notice, and."

Mr. Gill moved

That the bill be recommitted for correction,

Which motion prevailed, and

The bill was recommitted.

The Conference Committee on Senate Bill No. 2 made the following report:

MR. SPEAKER:

The Conference Committee of the House and Senate to whom was referred

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Have had the same under consideration and recommend:

That the House recede from its amendment in line 3, Section 3, printed bill, and that the word "thirty" in said line 3 be stricken out and the word "sixty" inserted in lieu thereof.

Also, that the House recede from its amendment to line 16, Section 5, and that the word "thirty" be substituted for the word "ninety" in said line 16.

Also, that the House recede from its amendment in line 3, Section 16, and that the word "six" be substituted for the word "ten," as amended in said line 3.

Also, that the House recede from its amendment to line 7, Section 22.

And your committee recommend that the above report be agreed to and adopted.

H. S. OLIVER,
JOHN BURKE,
W. O. WARD,
On part of House.
C. B. LITTLE,
J. H. WORST,
R. N. INK,
On part of Senate.

Mr. Oliver moved

That the House adopt the report,

Which motion prevailed, and

The report of the Conference Committee was adopted.

The question then being on the passage of

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

As amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 54, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Graber,	Noltmier,
Bjornson,	Haight,	Oliver,
Brooke,	Hall,	Osgood,
Brown,	Hanson,	Peabody,
Burke,	Havrevold,	Peterson,
Burton,	Hill,	Richie,
Christianson,	Hodson,	Satterlund,
Colosky,	Holte,	Skinner,
Cope,	Holritz,	Smith,
Daily,	Horgan,	Strom,
Daniel,	Kearney,	Thompson,
Davis,	Lamb,	Triplett,
Ebbighausen,	Larson,	Tufts,
Erickson,	Loomis,	Wallen,
Farrar,	Loring,	Walton,
Fay,	Lutz,	Ward,
Fiske,	McCulloch,	Yegen,
Gill,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cunningham,	Douglas,	Watson,
Dennett,	Foss,	Williams.

Messrs. Axvig and White voting in the negative.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Brooke moved

That the rules be suspended, and that all Senate bills on their first reading be also read the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890,

Was read the first and second times, and referred to the Committee on Educational Institutions.

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers,

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

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales,

Was read the first and second times, and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 39,

A bill for an act entitled "An Act to require county commissioners to give and file a bond,"

Was read the first and second times, and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled, "An Act to regulate warehouses, inspection, weighing and handling of grain,

Was read the first and second times, and referred to the Committee on Warehouses, Grain Grading and Dealing.

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes.

Was read the first and second times, and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

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

COMMITTEE OF THE WHOLE.

Mr. Erickson moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Hill to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

That Section 1 of said bill be amended to read as follows: "That all unpaid taxes for the year 1890 shall become delinquent on the first day of March, 1891, and shall draw interest at the rate of 1 per cent. per month from date of such delinquency until the 15th day of October, 1891, at which latter date there shall be added as a penalty 5 per cent. upon the amount remaining unpaid and 1 per cent. per month thereafter until paid, to be added on the first day of each succeeding month."

That the first three lines of Section 2 of said bill be amended to read as follows: "The county treasurers of the counties of the State of North Dakota shall not proceed to collect by distress and sale," etc.

And that Section 3 be stricken out.

And when so amended recommend that the bill do pass.

Also,

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend Section 1 by striking out of line 2, printed bill, the word "then."

Also, strike out of line 4, same section, the word "for" and insert in lieu thereof the words "purchaser of."

Also, strike out of same section and line 4 the word "such" and insert in lieu thereof the word "said."

Also, strike out of line 5, same section, the word "four" and insert the word "ten" in lieu thereof.

Amend Section 3 by striking out of line 5, printed bill, the word "felony" and inserting in lieu thereof the word "misdemeanor."

Also, strike out all of Section 3 after the word "punished" in line 6 and insert the following in lieu thereof: "by imprisonment in the county jail for a period not exceeding one year, and fined in an amount double the value of the property so sold, concealed, destroyed, injured or removed."

And when so amended recommend that the bill do pass.

Also,

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20, of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend Section 1 by striking out of line 2, printed bill, the figures "478" and inserting in lieu thereof the figures "487."

Also, strike out of line 9, same Section, the word "and."

Also, add in line 10, same Section, after the word "public" the words "and coronors."

And when so amended recommend that the bill do pass.

Also,

House Bill No 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota,

fixing the rates of compensation therefor, and providing how said compensation shall be made,

And recommend that the following amendments proposed by the Committee on Public Printing be adopted.

That Section 1 be amended by striking out all after the word "choice," and inserting in lieu thereof the words "in one weekly paper in each county, once in the first month, once in the second month, and four times in the third month."

And when so amended recommend that the bill do pass.

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend the title of the bill to read as follows:

A bill for an act to amend Section 3 of an act entitled "An Act to fix the compensation of the county judges of the county courts, and providing a fund to reimburse the county for the same," Chapter 50 of the Session Laws of 1890.

And when so amended recommend that the bill do pass.

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend Section 1 by adding after the word "county" in line 4, printed bill, the following: "On petition of 300 freeholders of such county."

Also, by striking out the words "the next" where they occur in line 5, same Section, and inserting in lieu thereof the word "any."

Also, strike out Section 3 of bill, and change number of "Section 4" to "Section 3."

And when so amended recommend that the bill do pass.

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

And recommend that the bill be recommitted for correction.

Also,

House Bill No. 87,

A bill for an act to aid in the collection of wages by dispensing with security for costs in certain cases,

And recommend that the further consideration of the bill be indefinitely postponed.

L. C. HILL,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Beardsley moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 4, 1891.

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

The Speaker presiding.
Prayer by the Chaplain.
Roll called.

All members present except Mr. Watson, excused.

The committee to examine and correct the Journal of the twenty-ninth day made the following report:

MR. SPEAKER:

Your committee to correct the Journal of the twenty-ninth day have examined the same and report it to be correct.

A. N. FOSS,
Chairman.

Mr. Speaker continued the same committee to examine and correct the Journal.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 4, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith a Concurrent Resolution requesting the Congress of the United States to offer a reward for the best machine or device for burning fire guards.

CONCURRENT RESOLUTION.

WHEREAS, The United States government has fostered the infant industries of the nation through protective duties, and has never been averse to stimulating American genius through reasonable rewards; and

WHEREAS, The millions of acres embraced in the great Northwest are annually scourged by prairie fires, not only destroying our natural source of wealth, but millions of property as well, making the stock industry ever precarious, inviting hot winds in summer and blizzards in winter; and

WHEREAS, Increased humidity, an evener range of temperature, and fewer radical climatic changes would follow if our prairies were not annually denuded of their rank growth of vegetation; and

WHEREAS, The rough and stony condition of the soil that prevails over a large part of our vast ranges precludes the feasibility of plowing fire-guards; and

WHEREAS, A liberal reward, if offered by Congress would doubtless direct the minds of ingenious men to this, our great necessity, therefore

Resolved by the Senate, the House of Representatives concurring:
That Congress be asked, through our Senators and Congressmen, and through all the Representatives from the great Northwest to offer a reward of \$25,000 for the best machine or device for burning fire-guards for the protection of our ranges and our property.

Which the Senate has adopted, and your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred
House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

Have had the same under consideration and recommend that the title of the bill be amended to read as follows:

A bill for an act to amend Section 123 of Article 11 of an act entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

And further recommend that the bill with title so amended do pass.

C. A. BURTON,
Chairman.

The Joint Committee on Charitable Institutions made the following report:

MR. SPEAKER:

The Joint Committee on Charitable Institutions, to whom was referred

House Bill No. 114,

Have had the same under consideration and recommend:

First. That the title of said bill be amended to read as follows:

A bill for an act providing for the location of a Blind Asylum in the county of Pembina, State of North Dakota, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the Legislative Assembly of the State of North Dakota, with a grant of land as provided in Section 216, Article 19 of the Constitution of the State of North Dakota.

Second. That the word "located" in Section 2, line 4, be stricken out, (printed bill).

Third. That all of Section 6 after the word "and" in line 4 of the printed bill be stricken out and the following be substituted in lieu thereof: "from and after the date of such said proclamation the location of said asylum shall be deemed permanent at the place named therein until otherwise changed by law."

The committee recommend that the bill as amended do pass.

JAMES V. BROOKE,
Chairman.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
House Bill No. 36,

A bill for an act to foster and encourage irrigation by exempting certain property from taxation,

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

In Section 1, line 2 of printed bill, strike out the words "other appliances used" and insert in lieu thereof the words "machinery of any kind used for digging or locating wells."

And when so amended recommend that the same do pass.

JOHN S. RICHIE,
Chairman.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred
House Bill No. 16,

A bill for an act to amend Section 29 of Chapter 132 of revenue law of 1890,

Have had the same under consideration and recommend that the same be referred to the Committee on Taxes and Tax Laws.

C. J. CHRISTIANSON,
Chairman.

Mr. Tufts moved

To adopt the report,

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. 46,

A bill for an act to cover into the State Treasury all fees and profits arising from any State office,

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

Strike out all of line 22 in Section 2 of the printed bill and insert the following:

"Be liable to impeachment and punishment according to law."

And when so amended recommend that the same do pass.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the — day of August, A. D. 1890,

And recommend that the same do pass when the figures "26" in the title of the bill after the word "the" and before the word "day" be inserted; and insert the figures "26" in line 5, Section 1, in printed bill, after the word "the" and before the word "day."

C. J. CHRISTIANSON,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

House Bill No. 123,

A bill for an act to promote the planting of forest trees upon the prairies of the State of North Dakota,

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

Also,

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks,"

And recommend that the same do pass.

O. S. WALLEN,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 96,

A bill for an act to prevent fraud upon travelers and railroads and other corporations in the sale and use of tickets,

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

Also,

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act

requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890,"

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

A. N. Foss,
Chairman.

Mr. Loring moved

That the report of the Committee on Railroads on House Bill No 21 be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Hill moved

To adopt the report of the Committee on Railroads on House Bill No. 96,

Which motion prevailed, and

Mr. Lutz moved

To reconsider the vote just taken.

Which motion prevailed.

Mr. Lutz moved

That House Bill No. 96 be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," Chapter 152 of Laws of 1890,

Have had the same under consideration and refer the same back to the House with the following substitute bill:

SUBSTITUTE FOR HOUSE BILL No. 113

For an Act to Amend Section 11 of Chapter 152 of the Session Laws of 1890, Entitled "An Act Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein, and to Repeal Section 12 of the Same Act."

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

SECTION 1. That Section 11 of Chapter 152 of the Session Laws of 1890 be amended to read as follows:

"Upon filing the contracts provided for in Section 10, the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving seed grain to the amount of the sum then due to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise; and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid. For the purpose of enforcing such lien the states attorney may proceed to foreclose said lien in the name of the county commissioners in the same manner that chattel mortgages are foreclosed, as provided by law, when requested to do so by said county commissioners."

SEC. 2. That Section 12 of Chapter 152 of the Session Laws of 1890 is hereby repealed.

SEC. 3. Whereas, an emergency exists, in that there is no provision for the foreclosure of seed liens by the boards of county commissioners, where the counties have furnished seed liens; therefore, this act shall take effect and be in force from and after its passage and approval.

And recommend that the substitute bill do pass,

Also,

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosures of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1890 and to amend Sections 622, 523 and 633 of the Code of Civil Procedure,

And recommend that the title be amended to read as follows:

A bill for an act to regulate the collection of attorneys' fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity with this act void; to repeal Sections 597 to 615 both inclusive of the Code of Civil Procedure, Code of 1887, relating to foreclosure of mortgages; to repeal an act, entitled "An Act to declare certain provisions for attorneys' fees void, and to provide a reasonable attorney's fee in such cases, Chapter 16, Session Laws of 1889, and to amend Sections 622, 623 and 633 of the Code of Civil Procedure, Code of 1887, relating to foreclosure of mortgages."

Also,

House Bill No. 124,

A bill for an act prescribing the duties of registers of deeds and clerks of the district court in relation to making and certifying abstracts of title and providing penalties for violations thereof,

And recommend that the same do pass.

Also,

House Bill No. 86,

A bill for an act to repeal Section 5137 of Article 2 of Chapter 13 of the Compiled Laws of 1887, relating to exemptions,

And recommend that the same be amended as follows:

Amend title of bill so as to read as follows:

A bill for an act to repeal Section 1 of Chapter 50, Session Laws of 1883, being Section 5137 of Compiled Laws relating to exemptions.

Also amend Section 1 of bill to read as follows:

SECTION 1. That Section 1 of Chapter 50, Session Laws of 1883, being Section 5137 of Compiled Laws of Dakota, 1887, be and the same is hereby repealed.

And when so amended recommend that the same do pass.

Also,

House Bill No 102,

A bill for an act to repeal Chapter 88 of the Laws of 1890, approved March 7, 1890,

And recommend that the same be indefinitely postponed.

GEO. H. FAY,

Chairman.

Mr. Loomis moved
To adopt the report of the Committee on Judiciary on House Bill No. 102,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 30,

A bill for an act to fix the salaries of county officers,

Have had the same under consideration and recommend that the same be referred to the Joint Committee on Salaries of County Officers.

CHAS. FISKE,
Chairman.

Mr. Strom moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries, to whom was referred

House Bill No. 122,

A bill for an act to organize a county board of supervisors, one from each township, city and incorporated village to take the place of the board of county commissioners, and prescribing the duties thereof,

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

CHAS. FISKE,
Chairman.

Mr. Strom moved

That the bill be referred to General Orders,

Which motion was lost.

PRESENTATION OF PETITIONS, COMMUNICATIONS, ETC.

The House returned to the order "Presentation of Petitions, etc.," and

Mr. Peterson presented the following petition:

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

We, the undersigned, citizens of Cass county and State of North Dakota, do respectfully petition your honorable body to repeal Section 41 of Article 3, District School Law of 1890.

ANDERS A. ELTUN,
and 24 others.

Also, a similar petition signed by R. T. Morgan and 24 others.

Also a similar petition signed by A. W. Kuhn and 16 others.

Mr. Brooke moved

To refer the petitions to the Committee on Education,

Which motion prevailed, and

The petitions were so referred.

Mr. Skinner presented the following:

A preamble and resolutions adopted by a mass meeting of citizens of Hope, N. D., and vicinity, January 26, 1891.

WHEREAS, We, citizens of Hope township in mass meeting assembled this 26th day of January, 1891, are alarmed at the recent increase of drunkenness among us, and in the present condition of legislation on the subject of the sale of intoxicating liquors are helpless to enforce the intent of the State Constitution; therefore, be it

Resolved, That we do earnestly pray the Honorable the Legislature of the State of North Dakota, for the immediate re-enactment of prohibitory laws in accordance with the intent herein of the State Constitution, with penalties affixed sufficient to uphold the dignity of the law.

Resolved, That we request the Hon. W. J. Skinner, our Representative in the State Legislature to present this, our desire and prayer with the preamble thereto, to the Honorable, the House of Representatives now in session.

Resolved, That we do urge our State Senator, the Hon. F. G. Enger, and our Representatives, the Hon. W. J. Skinner, and the Hon. W. T. McCulloch to use their utmost endeavors and influence to hasten the re-enactment by the State Legislature of prohibitory laws in accordance with the will of the people as expressed in the Constitution of the State.

Resolved, That the chairman and secretary of this meeting are hereby instructed to sign and forward copies of these resolutions to the Hon. F. G. Enger, the Hon. W. T. McCulloch and the Hon. W. J. Skinner, at Bismarck, N. D.

For the meeting,

CHARLES G. BOISE,
Chairman.
M. L. STIMSON,
Secretary.

Mr. Gill moved

To refer the resolutions to the Committee on Temperance,

Which motion prevailed, and

The resolutions were so referred.

MOTIONS, RESOLUTIONS, ETC.

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

Resolved, That the Senate be requested to return House Bill No. 58.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That the Janitor of the House committee rooms be authorized and instructed to procure from the printer four copies each of all the Senate and House bills printed. Also four copies each of the Senate and House Journals of each day, for use of members of House Judiciary Committee in their rooms.

Which motion prevailed, and
The resolution was adopted.

Mr. Fay offered the following resolution:

Resolved, That Joseph Manrean, Janitor of House Committee rooms, be allowed and paid the sum of \$2 per day in addition to the sum now allowed by law for extra night work in caring for such rooms.

Mr. Daily moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. McCulloch moved
To reconsider the vote by which
House Bill No. 93
Was passed.

Mr. Oliver raised the point of order that the motion was out of order,

Which point of order Mr. Speaker decided not well taken, and

Mr. Oliver appealed from the decision of the Chair, and

The question being, shall the decision of the Chair be sustained,

The decision of the Chair was sustained.

The question recurring on the motion to reconsider,

The motion prevailed, and

The vote by which House Bill No. 93 was passed was reconsidered.

Mr. Speaker announced his signature to
Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court in certain instances.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 4, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 37,

A bill for an act in relation to the collection of personal property taxes for the year 1890.

Also,

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

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

Also, to inform the House that the Senate has adopted the report of the Conference Committee upon Senate Bill No. 2 and has passed the bill as recommended by the committee.

C. C. BOWSFIELD,
Secretary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Douglas introduced—

House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violations of the provisions thereof,"

Which was read the first time.

Mr. Daily introduced—

House Bill No. 144,

A bill for an act allowing cattle, horses and mules to run at large,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

Which was read the first time.

Mr. Triplett introduced—

House Bill No. 146,

A bill for an act requiring all railroads, corporations, companies and persons operating a railroad and doing business in North Dakota to equip all their engines and cars with proper, efficient and safe automatic couplers and brakes and for prescribing penalties for failure thereof,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 147,

A bill for an act to repeal Section 2 of Chapter 88 of the Laws of 1890, entitled "An Act providing for a lien upon threshing machines or separators for repairing the same,"

Which was read the first time.

Mr. Burton (by request) introduced—

House Bill No. 148,

A bill for an act to regulate the practice of veterinary medicine, surgery and dentistry in the State of North Dakota,

Which was read the first time.

Mr. Cope introduced—

House Bill No. 149,

A bill for an act abolishing the office of county justices of the peace and county constables in counties under township organization,

Which was read the first time.

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national,

Was read the first time.

House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

Was read the first time.

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals,

Was read the first time.

House Bill No. 131,

A bill for an act, fixing the maximum rate to be charged by railroad companies for the transportation of passengers within this State,

Was read the first time.

House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers,

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 4, 1891. }

MR. SPEAKER:

I have the honor to inform you that the President of the Senate has appointed Messrs. Arnold, Ink and Cashel as the Senate members of the Special Joint Committee to consider all election bills.

C. C. BOWSFIELD,
Secretary

Mr. Burton offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That a joint committee, consisting of four members, two to be appointed by the Speaker of the House and two by the President of the Senate, together with the State Superintendent of Public Instruction, who shall be chairman of such committee, shall be appointed for the purpose of arranging, compiling

and codifying all school laws, school land laws and laws pertaining to the State educational institutions at present in force in this State, and including the laws and amendments relating thereto that may be enacted at this session of the Legislative Assembly; and such committee shall report to the Legislative Assembly not later than the fifty-fifth day of the session.

Which motion prevailed, and
The Concurrent Resolution was adopted.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Also,
House Bill No. 91,

A bill for an act regulating the proceedings in attachment or execution against property owned jointly, in common or in partnership,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Was read the third time, and

Mr. Beardsley asked unanimous consent to amend the bill as follows:

That Section 1 of House Bill No. 45 be amended to read as follows:

Every railroad company doing business in this State shall, within sixty days after receiving notice in writing from the Commissioners of Railroads, build, erect and complete one or more platforms for the transfer of live stock, grain and other commodities from wagons, or otherwise, to cars at each and every station designated in such notice; such platform or platforms to be erected where there will be safety to life and property, and the notice provided for in this Section, shall be a notice in writing which shall be served upon the President, or other head, or any acting ticket, station, or freight agent of such company in the county where such platform or platforms are to be built before such railroad company shall be deemed to have had notice.

That Section 2 of House Bill No. 45 be amended by inserting after the word "company" and before the word "to," in line 5 of the printed bill, the following:

"By serving a written notice upon the president, or other head, or upon any acting ticket, station, or freight agent of such railroad company not less than ten days prior to the time stated in said notice."

Which consent was given, and
The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 61, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Noltimier,
Beardsley,	Gill,	Oliver,
Bjornson,	Grabner,	Osgood,
Brooke,	Haight,	Peabody,
Brown,	Hall,	Peterson,
Burke,	Hanson,	Richie,
Burton,	Havrevold,	Satterlund,
Christianson,	Hill,	Skinner,
Colosky,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daily,	Horgan,	Triplett,
Daniel,	Kearney,	Tufts,
Davis,	Lamb,	Wallen,
Dennett,	Larson,	Walton,
Douglas,	Loomis,	Ward,
Ebbighausen,	Loring,	White,
Erickson,	Lutz,	Williams,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.
Fiske,		

Mr. Watson being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Strom (by unanimous consent), introduced the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it resolved by the Legislative Assembly of the State of North Dakota, the Senate concurring: That the Attorney General be and is hereby instructed to proceed at once to collect by suit all taxes due the State of North Dakota by the Northern Pacific Railroad Company.

Which motion prevailed, and

The resolution was adopted.

House Bill No. 91,

A bill for an act regulating the proceedings in attachment or execution against property owned jointly, in common or in partnership,

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

The question being upon the passage of the bill,

The roll being called there were ayes, 25; nays, 28.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hodgson,	Skinner,
Bjornson,	Loomis,	Strom,
Burton,	Loring,	Triplett,

Messrs—
 Davis,
 Dennett,
 Erickson,
 Fay,
 Fiske,
 Hill,

Messrs—
 Lutz,
 Noltmier,
 Oliver,
 Peabody,
 Richie,

Messrs—
 Tufts,
 Wallen,
 Walton,
 Ward,
 Yegen.

Those who voted in the negative were:

Messrs—
 Axvig,
 Brooke,
 Burke,
 Christianson,
 Cunningham,
 Daily,
 Daniel,
 Douglas,
 Ebbighausen,
 Farrah,

Messrs—
 Gill,
 Graber,
 Haight,
 Hall,
 Hanson,
 Holritz,
 Horgan,
 Kearney,
 Larson,

Messrs—
 McCulloch,
 McKendry,
 Osgood,
 Peterson,
 Satterlund,
 Smith,
 Thompson,
 White,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Brown,
 Colosky,
 Cope,

Messrs—
 Foss,
 Havrevold,
 Holte,

Messrs—
 Lamb,
 Watson,
 Williams.

Mr. Watson being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Mr. Triplett moved

That Senate Bill No. 48 be recalled from the Committee on Warehouses, Grain Grading and Dealing, and referred to the Committee on Appropriations,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 111,

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

And find the same correctly engrossed.

JOHN BURKE,
 Chairman.

House Bill No. 111,

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

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

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 8.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Beardsley,

Messrs—
 Fiske,
 Gill,

Messrs—
 Lutz,
 McCulloch,

Messrs—	Messrs—	Messrs—
Bjornson,	Graber,	McKendry,
Brooke,	Haight,	Noltimier,
Brown,	Hall,	Oliver,
Burke,	Hanson,	Peabody,
Christianson,	Havrevold,	Peterson.
Colosky,	Hill,	Rchie,
Cope,	Hodgson,	Satterlund,
Cunningham,	Holte,	Strom,
Daily,	Holritz,	Triplett,
Daniel,	Horgan,	Walton,
Davis,	Kearney,	Ward,
Dennett,	Lamb,	Williams,
Ebbighausen,	Larson,	Yegen,
Erickson,	Loring,	Mr. Speaker.
Fay,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Farrah,	Skinner,	Tufts,
Loomis,	Smith,	Wallen.
Osgood,	Thompson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Foss,	White.
Douglas,	Watson,	

Mr. Watson being excused.

So the bill passed and the title was agreed to.

House Bill No. 93,

A bill for an act to amend Section 5 of Chapter 26 of the Session Laws of 1889, relating to chattel mortgages,

Was re-read the third time, and

Mr. Williams moved

That the further consideration of House Bill No. 93 be indefinitely postponed,

Which motion prevailed.

Substitute for House Bill No. 58,

A bill for on act to protect bank depositors,

Was read the third time, and

Mr. Williams moved

That the further consideration of the bill be deferred until February 16th,

Which motion was lost.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Brooke asked unanimous consent to amend the bill by adding the following as Section 2:

"SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed."

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 53, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fay,	McCulloch,
Beardsley,	Fiske,	McKendry,
Bjornson,	Foss,	Noltmier,
Brooke,	Graber,	Peabody,
Brown,	Haight,	Peterson,
Burke,	Hall,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cope,	Hodgson,	Strom,
Cunningham,	Holte,	Triplett,
Daily,	Holritz,	Tufts,
Daniel,	Horgan,	Wallen,
Davis,	Lamb,	Walton,
Douglas,	Larson,	Ward,
Ebbighausen,	Loomis,	Yegen,
Erickson,	Loring,	Mr. Speaker.
Farrab,	Lutz,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gill,	Oliver,	Thompson,
Kearney,	Osgood,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dennett,	Watson,	Williams.

Mr. Watson being excused.

So the bill passed and the title was agreed to.

House Bill No. 120,

A bill for an act to amend Section 15 of Chapter 21 of the Political Code, it being Section 574 of the Compiled Laws of 1887,

Was read the third time, and

Mr. Fiske moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Substitute for House Bill No. 70,

A joint resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota.

Was read the third time, and

The question being upon the adoption of the Joint Resolution,

The roll being called there were ayes 28, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	McCulloch,
Beardsley,	Hill,	Noltmier,

Messrs—

Burton,
Daily,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Foss,

Messrs—

Hodgson,
Holte,
Horgan,
Kearney,
Lamb,
Larson,
Lutz,

Messrs—

Peterson,
Richie,
Satterlund,
Triplet,
Ward,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Cunningham,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Haight,
Hall,
Hanson,
Havrevold,
Holritz,
Loomis,
Loring,
McKendry,
Oliver,
Osgood,

Messrs—

Peabody,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
White,
Mr. Speaker.

Messrs. Daniel and Watson being absent and not voting.

Mr. Watson being excused.

And so the Joint Resolution was not adopted.

House Bill No. 62,

A bill for an act allowing counties and municipal corporations whose indebtedness is up to the constitutional limitation to use 50 per cent of general fund moneys for current expenses,

Was read the third time, and

Mr. Farrah moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 6,

A bill for an act, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the third time, and

Mr. Walton moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 34, nays 27.

Those who voted in the affirmative were:

Messrs—

Axvig,
Brooke,

Messrs—

Farrah,
Foss,

Messrs—

Lutz,
McCulloch,

Messrs--
 Burke,
 Burton,
 Cope,
 Cunningham,
 Daily,
 Daniel,
 Davis,
 Dennett,
 Douglas,
 Ebbighausen,

Messrs--
 Graber,
 Hanson,
 Hill,
 Hodson,
 Holritz,
 Horgan,
 Kearney,
 Lamb,
 Larson,

Messrs--
 McKendry,
 Oliver,
 Peabody,
 Satterlund,
 Strom,
 Triplett,
 Ward,
 Williams,
 Yegen.

Those who voted in the negative were:

Messrs--
 Beardsley,
 Bjornson,
 Brown,
 Christianson,
 Colosky,
 Erickson,
 Fay,
 Fiske,
 Gill,

Messrs--
 Haight,
 Hall,
 Havrevold,
 Holte,
 Loomis,
 Loring,
 Noltmier,
 Osgood,
 Peterson,

Messrs--
 Richie,
 Skinner,
 Smith,
 Thompson,
 Tufts,
 Wallen,
 Walton,
 White,
 Mr. Speaker.

Mr. Watson being absent and excused.

And so the bill passed, but the emergency clause was lost, two-thirds of the members-elect not voting therefor.

The title of the bill was agreed to.

Mr. Oliver moved

That the vote just taken be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Skinner moved

That the further consideration of House Bill No. 77 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Fay moved

That the further consideration of House Bill No. 35 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Was partially read the third time, and

Mr. Fay moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
 Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 5, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

The committee to revise and correct the Journal of the thirtieth day made the following report:

MR. SPEAKER:

Your committee to correct the Journal of the thirtieth day have examined the same and find it to be correct, except on page 18, which reads "Mr. Walton being absent and excused," should read "Mr. Watson being absent and excused."

A. N. FOSS,
Chairman.

Mr. Speaker appointed as the committee to correct the Journal, Messrs. Colosky, Ebbighausen and Lamb.

PETITIONS AND COMMUNICATIONS.

Mr. Gill presented the following petition:

WHEATLAND, N. D., January 26, 1891.

To the Honorable the House of Representatives of the State of North Dakota:

We, the members of Wheatland Lodge, No. 10, I. O. G. T., do hereby petition the members of your honorable body not to resubmit the question of prohibition to the vote of the people.

And we would still further respectfully petition [your honorable body to do all possible in your power to suppress the sale of any kind of intoxicating liquors, whether in original packages or otherwise.

E. L. BRENZER,
and 27 others.

Mr. Gill moved

That the petition be referred to the Committee on Temperance,
Which motion prevailed, and
The petition was so referred.

Mr. Richie presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

J. E. WHITE,
and 3,082 others.

The petition was referred to the Committee on Temperance.

Mr. Fiske presented the following petition:

To the Hon. Charles Fiske:

The Kidder county Sheep & Wool Growers Association would respectfully urge upon you the immediate necessity of more stringent Legislation, and a thorough revision of the sheep inspection and quarantine laws of this State. And we would suggest the following points, viz.:

First. The enactment of a stringent quarantine law relating to the importation of diseased sheep.

Second. The enactment of a law giving the county sheep inspector, absolute authority and power to quarantine, and prescribe and enforce treatment for all sheep afflicted with contagious or infectious diseases.

Third. Increasing the amount of bonds given by the sheep inspector, and providing penalties for the failure to perform all duties as required by the sheep inspection laws, and providing adequate penalties for violation of all laws passed in the interest of sheep husbandry.

Fourth. The enactment of a law compelling the county commissioners to appoint a county sheep inspector that shall receive the endorsement by petition of a majority of the flock masters of said county.

Fifth. And providing for the payment of the sheep inspector, from the county's general fund, and providing for the payment of treatment of diseased sheep when they are handled by the county sheep inspector.

1. By a lien upon said sheep.

2. (Where such a lien is not adequate for the payment of such expense) by the county.

Sixth. The enactment of a law providing for the payment of a bounty for each and every wolf scalp in every county where there are 5,000 sheep.

Seventh. The enactment of a law providing for the making of a fire-guard around each township.

And we would call your attention to the fact that certain sections of the sheep inspection laws, as passed by the Legislature of 1890, have no penalties attached for their enforcement; and the penalties provided in the quarantine laws are not adequate for their enforcement.

J. C. TAYLOR, President,
L. B. LOSEY, Secretary,
T. R. McCORMICK, Treasurer,
Committee.

E. H. CHAMBERLAIN,
Vice President.

Dawson, Kidder County, North Dakota, February 3, 1891.

The petition was referred to the Joint Committee on Sheep Husbandry.

The privileges of the floor were extended to Hon. S. L. Glasspell of Jamestown.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts, county auditors and county superintendents of schools in counties having a population of less than 1,000.

Also, that the Senate has concurred in the House amendment to

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment thereof,

And has passed the bill as so amended.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Joint Committee on Penal Institutions made the following report:

MR. SPEAKER:

Your Joint Committee on Penal Institutions to whom was referred

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

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

W. O. WARD,
Chairman House Committee.
JOSEPH MILLER,
Chairman Senate Committee.

The Committee on Taxation and Tax Laws made the following report:

MR. SPEAKER:

Your Committee on Taxation and Tax Laws to whom was referred

House Bills No. 13, 81, 14, 95 and 10,

Have had the same under consideration and recommend that

the same remain in the committee's hands until a report is received from the Joint Committee on Revenue.

GEO. E. OSGOOD,
Chairman.

Mr. Loring moved
To adopt the report,
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. 33,
A bill for an act to amend Section 1474 of the Compiled Laws
of Dakota, 1887,
Have had the same under consideration and recommend that
the same be amended as follows:

Amend the title of the bill to read as follows:

"A bill for an act to amend Sections 31 and 33 of the Political Code of Dakota for 1877, being Section 1474 of the Compiled Laws of 1887, relating to elections."

Also, amend Section 1 by striking out lines 1 and 2 of the printed bill and inserting in lieu thereof the following:

"SEC. 2. That Sections 31 and 33 of Chapter 27 of the Political Code, being Chapter 71, General Laws, 1881, and Section 1474 of the Compiled Laws, Dakota, 1887, relating to elections."

And when so amended recommend that the same do pass.

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

And recommend that the same be amended as follows:

By adding the following which shall be Section 1 of said bill:

Section 1. That Section 2 of Chapter 120 of the General Laws of 1890, relating to what newspaper shall publish legal notices be and the same is hereby amended to read as follows:

Also, change Section 1 of original bill to Section 2.

And that the bill when so amended do pass.

GEO. H. FAY,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
A Concurrent Resolution requesting our members of the Senate and House of Representatives of the United States to endeavor to secure during the present session of the national Congress the

passage of a resolution proposing an amendment to the Constitution of the United States to prohibit the licensing of any lottery companies or gift gambling enterprises of any kind by the United States government or by the governments of any of the States of this Union,

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

FRED DENNETT,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries, to whom was referred

Senate Bill No. 39,

A bill for an act to require county commissioners to give and file a bond,

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

CHAS. FISKE,
Chairman.

Mr. Hill moved

To adopt the report,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Speaker announced his signature to
Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

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

That Section 1 be amended by inserting the words "and other purposes" after the word "judicial."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales, And recommend that the same do pass.

CHAS. FISKE,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

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

Also,

House Bill No. 133,

A bill for an act requiring county physicians to visit all sick or injured persons in their county, or in any county attached thereto for judicial purposes, on being requested to do so,

And recommend that the same be indefinitely postponed.

M. N. TRIPLETT,
Chairman.

Mr. Kearney moved

To adopt the report of the Committee on Public Health on House Bill No. 133,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Banks and Banking made the following report:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred House Bill No. 89,

A bill for an act fixing the legal rate of interest and fixing penalties for charging or receiving a higher rate than such legal rate,

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

H. S. OLIVER,
Chairman.

Mr. McKendry moved

That the report be referred to General Orders,

Which motion prevailed, and

The bill was referred to General Orders.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

Have had the same under consideration and recommend that the same be amended by striking out the word "the," the last word in the first line and the word "department," the second word in the second line,

And when so amended recommend that the same do pass.

WM. H. BROWN,
Chairman.

The House and Senate Committee on Military Affairs reported the following bill:

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1887.

And recommend its favorable consideration.

JOHN BIDLAKE,
Chairman Senate Committee.

W. H. BROWN,
Chairman House Committee.

REPORTS OF SELECT COMMITTEES.

The Joint Committee appointed to inspect the Hospital for the Insane at Jamestown made the following report:

To the House of Representatives of the Second Legislative Assembly of the State of North Dakota:

We, your Joint Committee, appointed Friday, January 30, 1891, to inspect the State Hospital for the Insane at Jamestown and report thereon would respectfully submit:

That all of your committee went to the institution and spent Saturday, January 31, 1891, there and made a thorough examination of the buildings, machinery and farm stock, and also the condition of the inmates of the institution.

The farm buildings and live stock show good care by the steward.

The surplus water from the artesian well, with the sewerage system from the buildings, will be used by the steward to the best advantage and very materially increase the returns from the garden and insure the growth of the young trees set out by him to beautify the grounds.

We are glad to report that the poor unfortunates for whose benefit the institution is maintained seem happy and contented and in uniform good bodily health under the efficient management of the superintendent and his able corps of assistants who all seem to have the good of the institution and its inmates at heart. And while we feel that a mere money consideration is not what the able and worthy superintendent and his efficient assistant are striving for we feel that in consequence of their peculiar fitness for the positions they occupy they should have proper recognition; and we are united in respectfully requesting that the salary of the superintendent be increased \$500 and that of the assistant physician be increased \$200.

All of which is respectfully submitted.

M. L. ENGLE,
JOHN BIDLAKE,
On behalf of the Senate.
M. N. TRIPLETT,
JOHN S. RICHIE,
FRANK WHITE,
On behalf of the House.

February 4, 1891.

Mr. Lutz moved

To refer the report to the Committee on Appropriations,

Which motion prevailed, and

The report was so referred.

The Special Committee to improve the acoustic properties of the hall of the House made the following report:

MR. SPEAKER:

Your committee appointed for the purpose of improving the acoustic properties of the hall of the House of Representatives beg leave to report that we have performed the duty assigned us to the best of our ability, having in view an economical expenditure of money, as well as perfecting the very defective acoustic condition of the hall.

We herewith submit an itemized statement of the cost of the work accomplished.

J. C. GILL,
Chairman.

Mr. Daily offered the follow resolution:

WHEREAS, Rule 62 of this House provides that the Committee on Supplies and Expenditures shall, on or before February 20th, audit the accounts of the State Auditor and Treasurer and all other State officers intrusted with the custody or disbursement of any portion of the public moneys, examine cash on hand, bonds and securities; and

WHEREAS, None of this work has yet been done by this committee and the remaining time is short in which to perform this duty, therefore, be it

Resolved, That the members of the Committee on Supplies and Expenditures be excused from all other committee work until this audit is completed and be requested at once to proceed with this work.

Resolved, That the Public Examiner be requested to assist the committee in this work, and that a competent clerk be designated by the Chief Clerk of this House to care for the clerical work.

Mr. Triplett moved

To adopt the resolution,

Which motion prevailed, and
The resolution was adopted.

Mr. Fiske offered the following resolution:

Resolved. That the Commissioners of Railroads be requested to incorporate in the system of rules for governing the distribution of cars to be loaded, which is to be adopted by them on or before August 1, 1891, a rule providing that no demurrage shall be charged upon cars delivered upon sidetracks for loading with grain, unless the cars are detained for such purpose, more than two full working days; and that demurrage shall, in such cases, be charged for the time in excess over two days. This rule not to apply to cars loaded from elevators and warehouses.

Mr. Thompson moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Peterson offered the following Concurrent Resolution and moved its adoption.

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That a Special Joint Committee on Education, consisting of seven members, four from the House and three from the Senate be appointed for the purpose of revising the present school law, said committee to be made up from the Standing Committees of each House, and all bills introduced and now pending on that subject be referred to said Committee.

Which motion prevailed, and
The Concurrent Resolution was adopted.

Mr. Gill moved
That House Bill No 145 be now read the second time and referred to its appropriate committee,
Which motion prevailed, and
House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

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

UNFINISHED BUSINESS.

The third reading of
House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Was resumed and completed, and
The bill being read the third time,

Mr. Fay moved

To amend the bill as follows:

Insert the following as Section 30:

"SEC. 30. The provisions of this act may be altered, amended or repealed at any time."

Renumber Section 30 of the bill and make it Section 31.

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes, 52; nays, 3.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Davis,
Dennett,
Douglas,
Ericksen,
Farrah,
Fiske,
Gill,

Messrs—

Graber,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Noltmier,
Oliver,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Daniel,

Messrs—

Fay,

Messrs—

Haight.

Absent and not voting:

Messrs—

Axvig,
Ebbighausen,
Foss,

Messrs—

Hall,
Loomis,

Messrs—

Skinner,
Williams.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Gill moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,

Which motion was lost.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

The Chairman of the Senate and House Committees on Military Affairs introduced—

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890.

and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Which was read the first time.

Mr. Burton introduced—

House Bill No. 151,

A bill for an act to makes the notes and transcripts of official stenographers of the same force and effect as depositions,

Which was read the first time.

Mr. Cope introduced—

House Bill No. 152,

A joint resolution for a proposition to amend the Constitution of the State,

Which was read the first time.

Mr. Brown introduced—

House Bill No. 153,

A bill for an act to appropriate funds to carry out the provisions of Chapter 24, Session Laws of 1890,

Which was read the first time.

Mr. Dennett introduced—

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

Which was read the first time.

Mr. Speaker called Mr. Strom to the Chair.

Mr. Walton introduced—

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers and to provide for licensing of engineers of steam engines,"

Which was read the first time.

Mr. Dennett (by request) introduced—

House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Which was read the first time.

Also, (by request),

House Bill No. 157,

A bill for an act to re-imburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

Which was read the first time.

Also, (by request),

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Which was read the first time.

Also (by request),
House Bill No. 159,

A bill for an act to amend Section 30, Chapter 132 of the Laws of 1890,

Which was read the first time.

Mr. Hanson introduced—

House Bill No. 160,

A bill for an act to amend Section 49, Chapter 4 of the Penal Code, in reference to punishment for Sabbath breaking,

Which was read the first time.

Mr. Strom (by request) introduced—

House Bill No. 161.

A bill for an act to amend Section 1395 of the Compiled Code of this State, relating to vacancies in the office of county commissioners,

Which was read the first time.

Also,

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1877,"

Which was read the first time.

Also,

House Bill No. 163,

A bill for an act requiring all railroads, corporations, companies and persons operating a railroad and doing business in North Dakota to equip all their engines and cars with proper efficient and safe automatic couplers and brakes, and for prescribing penalties for failure thereof,

Which was read the first time.

Mr. Thompson introduced—

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

Which was read the first time.

Mr. Richie (by request) introduced—

House Bill No. 165,

A joint resolution for the submission of an amendment to the Constitution of the State of North Dakota,

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 5, 1891. }

To the Speaker of the House of Representatives:

I have the honor to call the attention of the Legislature to the accompanying letter from Mr. P. B. Groat, general emigrant agent for the Northern Pacific Railroad company, and earnestly solicit your consideration of the same, as it touches upon a subject I deem of much importance to the State of North Dakota.

Very respectfully,
ANDREW H. BURKE,
Governor.

ST. PAUL, MINN., February 3, 1891.

Hon. A. H. Burke, Governor of North Dakota, Bismarck, N. D.:

DEAR SIR: I met Mr. C. L. Smith, secretary of the Minnesota Forestry Association, to-day and I wish to bring to your notice a matter in connection with tree planting in North Dakota which came up at the time of the meeting of the last Legislature. Mr. Smith is well posted on tree culture, knows all about it and is qualified to give much information on the subject of tree planting generally.

At the meeting of the last Legislature it was suggested that Mr. Smith would respond to an invitation from the Legislature to address the honorable body on the subject of "Tree Culture." By reason of other important matters before the Legislature the invitation was not extended and the Legislature adjourned without any action in the matter.

I would suggest that if you deem it practicable to bring this subject to the attention of the Legislature they might see fit to invite Mr. Smith to visit Bismarck and address the honorable body on the subject of "Tree Planting." It is of so much interest to the State to have the planting of trees extended that I hope the Legislature will consider that it will be of benefit to all concerned to listen to an address from Mr. Smith.

Truly yours,
P. B. GROAT,
General Emigration Agent.

Mr. Lutz moved

That the communication from the Governor with enclosed letter be referred to the Committee on Forestry with instructions to report thereon to the House,

Which motion prevailed, and

The communication was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 5, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted a motion requesting the return to the Senate of Senate Bill No. 19,

A bill for an act for paroling prisoners.

Also, to transmit herewith

House Bill No. 58,

A bill for an act for the protection of bank depositors,

As requested by the House.

C. C. BOWSFIELD,
Secretary

SECOND READING OF HOUSE BILLS.

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national,

Was read the second time, and

Mr. Skinner moved

That the bill be referred to the Attorney General for his opinion as to its constitutionality,

Which motion prevailed, and

The bill was so referred.

House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violations of the provisions thereof,"

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

House Bill No. 144,

A bill for an act allowing cattle, horses and mules to run at large,

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

House Bill No. 147,

A bill for an act to repeal Section 2 of Chapter 88 of the Laws of 1890, entitled "An Act providing for a lien upon threshing machines or separators for repairing the same,"

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

House Bill No. 149.

A bill for an act abolishing the office of county justices of the peace and county constables in counties under township organization,

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

Mr. White moved that House Bill No. 150 be now read the second time,

Which motion prevailed, and

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and

to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Was read the second time.

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Was read the third time, and

Mr. Gill asked unanimous consent to amend the bill by adding the following as Section 25:

SEC. 25. The provisions of this act may be altered, repealed or amended at any time.

Which consent was given, and
The bill was so amended.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 39, nays 15.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Beardsley,	Graber,	Richie,
Bjornson,	Havrevold,	Skinner,
Brown,	Hill,	Smith,
Burke,	Holte,	Strom,
Burton,	Holritz,	Thompson,
Christianson,	Lamb,	Tufts,
Colosky,	Loomis,	Wallen,
Daily,	Loring,	Walton,
Dennett,	Lutz,	Ward,
Ebbighausen,	McKendry,	Watson,
Erickson,	Noltimier,	White,
Fiske,	Oliver,	Williams,
Gill,	Osgood,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cope,	Fay,†	Kearney,
Cunningham,	Haight,	Larson,
Daniel,	Hanson,	McCulloch,
Douglas,	Hodgson,	Peabody,
Farrah,	Horgan,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Satterlund,
Brooke,	Hall,	Triplett.
Davis,	Peterson,	

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. McKendry moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 24, nays 33.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Haight,	Richie,
Cope,	Hall,	Satterlund,
Daniel,	Havrevold,	Skinner,
Davis,	Kearney,	Tufts,
Ebbighausen,	Loring,	Walton,
Erickson,	McKendry,	Watson,
Farrah,	Oliver,	White,
Graber,	Osgood,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Loomis,
Beardsley,	Foss,	Lutz,
Bjornson,	Gill,	McCulloch,
Burton,	Hanson,	Noltimier,
Christanson,	Hill,	Peabody,
Colosky,	Hodgson,	Smith,
Cunningham,	Holte,	Strom,
Daily,	Holritz,	Thompson,
Dennett,	Horgan,	Wallen,
Douglas,	Lamb,	Ward,
Fay,	Larson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Peterson,	Yegen.
Brown,	Triplett,	

And so the motion to adjourn was lost.

COMMITTEE OF THE WHOLE.

Mr. Burton moved

That the rules be suspended, and that the House do now proceed to the consideration of General Orders,

Which motion prevailed.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY - SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present, except Messrs. Daily and Ebbighausen, who were excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal have examined the Journal of the thirty-first day and find the same correct.

JOS. COLOSKY,
Chairman.

The Speaker continued the same committee to correct the Journal.

Mr. Speaker appointed as the Hous members of the Joint Committee to revise the laws relating to revenue and taxation, Messrs. White, Farrah and Erickson.

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. 141,

A bill for an act providing for an appropriation for expenses of the Commissioners of Railroads at the annual meeting of the National Convention of Railroad Commissioners,

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

G. G. BEARDSLEY,
Chairman.

Mr. Strom moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
 House Bill No. 138,

A bill for an act declaring certain mills public mills and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

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

Also,

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

And recommend that the same be amended as follows:

By striking out in the printed bill, and in the first Section, in line 5, all after the word "meeting" to the word "and" in line 7.

Also, cross out the word "clear" in line 11, and in the same line the words "or special."

In Section 2, line 2, strike out the word "two" and insert in lieu thereof the word "five."

In line 6, cross out the words "county clerk of the county," and insert in lieu thereof the words "township clerk."

In line 9, cross out the word "county," and insert in lieu thereof the word "township."

In line 12, strike out the word "county," and insert in lieu thereof the word "township."

In line 30, strike out all after the word "corporation" to the end of Section.

Strike out all of Section 4.

In Section 5, line 5, strike out all after the word "board" to the word "shall" in line 6.

In Section 6, line 1, strike out the words "company or corporation."

In Section 7, line 7, strike out all after the word "township" to end of section.

In Section 9, line 3, strike out the words "company or corporation."

Also, that the sections be renumbered, and when so amended we recommend that the same do pass.

FRED DENNETT,
 Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
 House Bill No. 142,

A bill for an act to amend Sections 7 and 10, Chapter 91 of the Session Laws of 1890, pertaining to marriage licenses,

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

GEO. H. FAY,
Chairman.

Mr. Burke moved
To adopt the report,
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your committee on Judiciary to whom was referred
House Bill No. 134,

A bill for an act to amend an act, entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer,"

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

Amend title to read as follows:

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

Committee report bill back to the House with the following substitute bill:

SUBSTITUTE FOR HOUSE BILL No. 134.

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

SECTION 1. That Section 3 of Chapter 183 of the Laws of 1890 be amended to read as follows:

"SEC. 3. He shall require the several county treasurers to furnish him with a statement, attested by the county auditor, on the first days of January, April, July and October of each year, showing the amount of State taxes collected during the preceding three months, and the October statement shall be an abstract of the total receipts by the county treasurer for the preceding year."

And recommend that the substitute bill do pass.

Also,

House Bill No. 128,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor,

And report the same back to the House with the following substitute bill:

A BILL

For an Act Prohibiting the Mortgaging of Real and Personal Property in the Same Mortgage Instrument.

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

SECTION 1. It shall hereafter be illegal to encumber real property and

personal property in one and the same mortgage instrument. All mortgages given in violation of the provisions of this act are hereby declared illegal and void.

SEC. 2. All acts and parts of act in conflict with this act are hereby repealed.

And recommend that said substitute do pass.

GEO. H. FAY,
Chairman.

MOTIONS AND RESOLUTIONS.

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

WHEREAS, The accumulation of bills, etc., for the consideration of this House is becoming voluminous; and,

WHEREAS, Over one-half of the time allotted by the Constitution, that the Legislative Assembly shall be in session has elapsed; therefore,

Resolved, That no House bills, Joint Resolutions or Memorials shall be received for consideration of the House after the forty-fifth day of the session without unanimous consent.

Mr. Oliver moved
To lay the resolution upon the table,
Which motion prevailed, and
The resolution was laid upon the table.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Brown introduced—
House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes.

Mr. Holte introduced—
House Bill No. 167,
A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota.

Mr. Dennett (by request) introduced—
House Bill No. 168,
A bill for an act to provide for holding farmers' institutes.

Mr. Peabody introduced—
House Bill No. 169,
A bill for an act increasing the jurisdiction of justice courts.

Mr. Thompson (by request) introduced—
House Bill No. 170,
A bill for an act to provide for procuring and using copies of pleadings and other papers in actions where the originals or copies belonging to either party are lost or destroyed and for enter-

ing judgment in cases where the defendant is in default and the original summons and complaint are lost or destroyed and cannot be reproduced.

Mr. Gill introduced—
House Bill No. 171,

A bill for an act to amend Chapter 87, Section 1, Session Laws of 1890, being an act to amend Section 2 of Chapter 88, Session Laws of 1889.

Mr. Hodgson introduced—
House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed for needy farmers resident therein,

Mr. Noltimier introduced—
House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Mr. Hanson (by request) introduced—
House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure.

Mr. Speaker appointed as the House members of the committee to consider bills to regulate the duties and fix the salaries of county officers, Messrs. Oliver, Richie and Lamb.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 6, 1891. }

MR. SPEAKER:

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

CONCURRENT RESOLUTION.

Resolved by the Senate the House of Representatives, concurring: That a joint committee of five be appointed, consisting of two Senators and three Representatives, to consider all bills relating to prairie fires and expedients for relief therefrom.

And your concurrence therein is respectfully requested.

Also, to transmit herewith
Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of towns and cities."

Also,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

Also,

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrailie, to the General Fund of the State of North Dakota,

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

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Brooke moved

To suspend the rules and pass to the consideration of General Orders,

Which motion prevailed.

Mr. Lutz moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Gill to the Chair.

When the committee arose the following report was presented.

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 55,

A bill for an act to provide for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, county of Dickey, and State of North Dakota, agreeable to the provisions of the third sub-division of Section 126, of the Constitution of this State,

Have considered the bill section by section, and recommend that Sections 1, 2 and 3 be adopted.

Also, that Section 4 be stricken out and the following inserted in lieu thereof:

SEC. 4. No buildings shall be erected until after a donation is received or funds raised from the lands belonging to said institution.

Also, recommend that Sections 5 and 6 be adopted.

Also, recommend that Section 7 be amended to read as follows:

SEC. 7. The site for such school that may be granted under the provisions of this act may be accepted by the Board of Trustees and when such acceptance shall have been filed with the Secretary of State, the transfer of title

shall be deemed final and conclusive; *Provided*, That the city of Ellendale or its people shall grant to the State of North Dakota full and absolute title to site of not less than forty acres of land.

And recommend that the bill be recommitted for reconstruction.

Also,

House Bill No. 46,

A bill for an act to cover into the State Treasury all fees and profits arising from any State office,

And recommend that the following amendments proposed by the Committee on Ways and Means be adopted:

Strike out all of line 22 in Section 2 of the printed bill and insert the following:

"Be liable to impeachment and punishment according to law."

And when so amended recommend that the same do pass.

Also,

House Bill No. 119,

A bill for an act to provide for the filing of a statement of the contents of chattel mortgages with the township clerk of townships in which the mortgagor resides,

And recommend that the same do not pass.

Also,

House Bill No. 96.

A bill for an act to prevent fraud upon travelers and railroads and other corporations in the sale and use of tickets,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 85.

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the — day of August, A. D. 1890,

And recommend that the following amendments proposed by the Committee on Ways and Means be adopted.

Insert the figures "26" in the title of the bill after the word "the" and before the word "day," and insert the figures "26" in line 5, Section 1, in printed bill, after the word "the" and before the word "day."

And that when so amended the bill do pass.

Also,

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

And recommend that the following amendment proposed by the Committee on Education be adopted:

A bill for an act to amend Section 123 of Article 11 of an act, entitled "An Act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

And that when so amended the bill do pass.

Also,

House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended.

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In line 15, Section 1, of printed bill, after the word "warrants" insert the following proviso: "*Provided, further,* That nothing in this amendment shall be construed to prevent said commissioners in their discretion from using said money for the purposes of purchasing seed grain under the regulations of this act."

And that when so amended the bill do pass.

Also,

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, A. D. 1877,

And recommend that the following amendment proposed by the Committee on Judiciary be adopted:

Strike out Section 3 of the bill.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend Section 1 by striking out of line 4 of printed bill the word "Legislative."

And when so amended recommend that the same do pass.

Also,

House Bill No. 36,

A bill for an act to foster and encourage irrigation by exempting certain property from taxation,

And recommend that the bill be recommitted.

Also,

House Bill No. 114,

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

And recommend that the following amendments proposed by the Joint Committee on Charitable Institutions be adopted:

First. That the title of said bill be amended to read as follows:

A bill for an act providing for the location of a Blind Asylum in the county of Pembina, State of North Dakota, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the Legislative Assembly of the State of North Dakota, with a grant of land as provided in Section 216, Article 19 of the Constitution of the State of North Dakota.

Second. That the word "located" in Section 2, line 4, be stricken out, (printed bill).

Third. That all of Section 6 after the word "and" in line 4 of the printed bill be stricken out and the following be substituted in lieu thereof: "from and after the date of such said proclamation the location of said asylum shall be deemed permanent at the place named therein until otherwise changed by law."

And that when so amended the bill do pass.

Also,

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1889 and to amend Sections 622, 523 and 633 of the Code of Civil Procedure,

And recommend that the bill be recommitted to the Committee on Judiciary for correction.

Also,

House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, Chapter 152 of Laws of 1890,"

And recommend that the bill and substitute therefor be recommitted to the Committee on Judiciary for correction.

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120, of the General Laws of 1890, entitled "An Act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend by adding the following which shall be Section 1 of said bill:

Section 1. That Section 2 of Chapter 120 of the General Laws of 1890, relating to what newspaper shall publish legal notices be and the same is hereby amended to read as follows:

Also, change Section 1 of original bill to Section 2.

And that when so amended the bill do pass.

Also,

House Bill No. 89,

A bill for an act fixing the legal rate of interest and fixing penalties for charging or receiving a higher rate than such legal rate,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend the title of the bill to read as follows:

"A bill for an act to amend Sections 31 and 33 of the Political Code of Dakota for 1877, being Section 1474 of the Compiled Laws of 1887, relating to elections."

Also, amend Section 1 by striking out lines 1 and 2 of the printed bill and inserting in lieu thereof the following:

"Sec. 2. That Sections 31 and 33 of Chapter 27 of the Political Code, being Chapter 71, General Laws, 1881, and Section 1474 of the Compiled Laws, Dakota, 1887, relating to elections."

And that when so amended the bill do pass.

Also,

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress.

And recommend that the following amendment proposed by the Committee on Military Affairs be adopted:

Amend by striking out the word "the," the last word in the first line and the word "department," the second word in the second line.

And that when so amended the bill do pass.

Also,

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

And recommend that the following amendments proposed by the Committee on Counties and County Boundaries be adopted:

That Section 1 be amended by inserting the words "and other purposes" after the word "judicial."

And when so amended recommend that the same do pass.

J. C. GILL,
Chairman.

Mr. Strom moved
To adopt the report.

Mr. Fay moved as an amendment that the report be adopted with the exception of that part relating to House Bill No 96,

Which motion was lost, and

The question recurring upon the motion of Mr. Strom,

The motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Richie moved

That House Bill No. 55 be refered to the Committee on State Affairs,

Which motion prevailed, and

The bill was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 6, 1891. }

MR. SPEAKER:

I have the honor to transmit the following

CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House of Representatives Concurring: That our Senators and Representative in Congress, be and they are requested to ask Congress at this session, to propose an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people, such amendment to be submitted to the Legislatures of the several States for ratification.

Resolved, That the Secretary of the Senate, be and he is directed to send to our Senators and Representative in Congress certified copies of this resolution when concurred in by the House of Representatives.

Which the Senate has passed and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Oliver moved

That Joseph Monrean be placed in the class of "other employes" from the beginning of the Second Session,

Which motion prevailed.

Mr. Yegen offered the following resolution:

Resolved, That the Senate resolution that a special committee of three from the House and two from the Senate, to consider a bill relating to prairie fires and fire breaks, be concurred in, and that Mr. Speaker appoint said committee.

Mr. Oliver moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Speaker announced an informal recess.

House reassembled.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 6,

A bill for an act, entitled "An Act to provide for the inspection
of illuminating oils manufactured from petroleum or coal oils,".

Also,

Substitute for House Bill No. 58,

A bill for an act for the protection of bank depositors.

Also,

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of
the Laws of 1890, being an act entitled, "An Act relating to the
use of brands and earmarks on domestic animals and live stock
and repealing Chapter 61 of the Session Laws of 1881.

Also,

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation
of life endowment and casualty insurance companies, corporations
or societies, other than co-operative or assessment life endow-
ment or casualty associations or societies,

Also,

House Bill No. 45,

A bill for an act to facilitate the shipment of grain and other
commodities.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Lutz and Mr. Thompson were excused for to-morrow.

Mr. Yegen moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 7, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson, who were excused.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the Thirty-second day report that they have examined the same and find it correct.

JOS. COLOSKY,
Chairman.

Mr. Speaker continued the same committee for Journal purposes.

The privileges of the floor were granted to Mr. W. H. Hubbell and to Mr. F. R. Fulton.

Mr. Speaker appointed as the House members of the Joint Committee to consider bills relating to prairie fires and fire breaks Messrs. Yegen, Holritz and Christianson.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney-General:

ATTORNEY GENERAL'S OFFICE,
BISMARCK, N. D., February 7, 1891.

To the Honorable, the Speaker and House of Representatives:

GENTLEMEN: House Bill No. 127, entitled "A bill for an act for the supervision of banks other than State or national," has been referred to me for my opinion as to its constitutionality.

I have examined said bill, also our Constitution, and I find nothing in the bill which conflicts with the Constitution, therefore, in my opinion, said bill if passed would be constitutional.

Respectfully yours,
C. A. M. SPENCER,
Attorney General.

PETITIONS AND COMMUNICATIONS.

Mr. Wallen presented the following communication:

WASHINGTON, D. C., February 3, 1891.

Hon. O. S. Wallen, Bismarck, N. D.:

DEAR SIR: With great regret and much apprehension I read of the prevalence of scab among the sheep in several localities in our State, and take the liberty to urge upon you and the Committee on Agriculture to see to it that such measures are taken as shall utterly suppress it. I do this not with any thought that you have overlooked it, but rather to reinforce a purpose, which I am sure you must have already formed, as you are doubtless aware that the disease is exceedingly difficult to extirpate when once established. The parasite fastens itself in the timbers of any building in which the disease exists, and even hides itself in the ground upon which the sheep tread, especially in the yard and paths, and I am told will exist for a long time before it ceases to be infectious. The great promise existing in our state that it shall become one of the most important wool and mutton producing states in the Union makes it of supreme importance that all disease affected sheep, especially this most insidious and difficult one, shall be stamped out whenever it shall make an appearance.

I am yours sincerely,
LYMAN R. CASEY.

Mr. Wallen moved

To refer the communication to the Committee on Sheep Husbandry,

Which motion prevailed, and

The communication was so referred.

Mr. Fay presented the following petition, signed by John Rott and 93 others:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned petitioners, being residents of the State of North Dakota, respectfully request the enactment of a law concerning the foreclosure of chattel mortgages that will afford mortgagors who by reason of failure of crops are unable to pay the mortgage debt an opportunity to stay proceedings under foreclosure for a reasonable length of time and avoid the loss of their property by sale for slight or inadequate value.

The petition was referred to the Judiciary Committee.

Mr. Gill (by unanimous consent) offered the following resolution:

CONCURRENT RESOLUTION

Be it Resolved by the House of Representatives, the Senate concurring: That the Joint Committee appointed to ascertain the cost, value and other facts relative to railroads with the view to fixing a basis for the equitable taxation thereof, be and are hereby authorized and instructed, if in their judgment it is deemed necessary, to appoint a sub-committee, consisting of not more

than three of their number, whose duty it shall be to visit, as soon as possible, such points or places in Dakota and Minnesota as shall to them seem advisable for the purpose of acquiring such information as will enable them to make as full and complete report upon the matter referred to said Joint Committee and at as early a date as practicable.

Mr. Loring moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Havrevold presented the following communications:

RUGBY, PIERCE COUNTY, N. D.

Hon. L. P. Havrevold, Bismarck, N. D.:

DEAR SIR: The following resolution was passed and a copy ordered sent to each of our representatives at Bismarck:

WHEREAS, Crops in this and adjoining counties during the year 1890 were almost a total failure; and,

WHEREAS, The personal and real estate taxes for the year 1890 become delinquent on the first day of March and June, 1891, respectively; and,

WHEREAS, The inhabitants of Pierce county are not able to pay said taxes at the time they become due; therefore, be it

Resolved, By the board of county commissioners of Pierce county, North Dakota, that the Legislature now in session be and is hereby requested to re-enact and continue in force Chapter 145 of the Laws of 1890, relating to the extension of time of payment of taxes.

On motion the above resolution was approved and adopted.

M. MADSEN,
County Auditor.

GEORGE W. SPAUN,
Chairman.

RUGBY, PIERCE COUNTY, N. D.

Hon. L. P. Havrevold, Bismarck, N. D.:

DEAR SIR: The following resolution was passed and a copy ordered sent to each of our representatives at Bismarck:

WHEREAS, Since the passage of a law at the First Session of the Legislative Assembly of North Dakota county officers have been prohibited from buying county warrants; and,

WHEREAS, Said law has worked a great hardship upon this, and, we believe, other counties, for the reason that it shuts out competition in the purchase of warrants and other evidences of indebtedness legally issued by counties and other municipal organizations by reducing the price paid for such warrants; therefore, be it

Resolved by the Board of County Commissioners of Pierce County, N. D., That the Legislature now in session be and hereby is respectfully requested and urged to repeal said law.

Resolved, further, That a copy of this resolution be forwarded forthwith to our Representatives in the Legislature at Bismarck, and that they be instructed to use all endeavors in their power for the repeal of said law.

On motion the above resolution was approved and adopted.

M. MADSEN,
County Auditor.

GEO. W. SPAUN,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

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

Resolved, That B. F. Bixby be appointed Assistant Janitor of this House.
Which motion was lost, and
The resolution was lost.

Mr. Strom by request offered the following resolution and moved its adoption:

Resolved by the House of Representatives, the Senate concurring: That our Senators and Representatives in Congress, be and they are earnestly requested to secure the passage at this session of Congress, of the bill now pending in the Senate, entitled "A bill to repeal timber culture laws and for other purposes."

Resolved, That the Chief Clerk of the House be instructed to send a certified copy of this resolution to our Senators and Representative in Congress.

Which motion was lost, and
The resolution was lost.

Mr. Strom moved

To reconsider the vote just taken,

Which motion prevailed, and

Mr. Strom moved

To adopt the resolution,

Which motion was lost, and the resolution was lost.

SECOND READING OF HOUSE BILLS.

Mr. Brooke moved

To suspend the rules, and pass to the consideration of second reading of House bills.

Which motion prevailed, and

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota,

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

House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

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

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals,

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

House Bill No. 131,

A bill for an act, fixing the maximum rate to be charged by railroad companies for the transportation of passengers within this State,

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

House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers,

Was read the second time, and referred to the Joint Committee on salaries of County Officers.

House Bill No. 146,

A bill for an act requiring all railroads, corporations, companies and persons operating a railroad and doing business in North Dakota to equip all their engines and cars with proper, efficient and safe automatic couplers and brakes and for prescribing penalties for failure thereof,

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

House Bill No. 148,

A bill for an act to regulate the practice of veterinary medicine, surgery and dentistry in the State of North Dakota,

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

House Bill No. 151,

A bill for an act to make the notes and transcripts of official stenographers of the same force and effect as depositions,

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

House Bill No. 152,

A joint resolution for a proposition to amend the Constitution of the State,

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

House Bill No. 153,

A bill for an act to appropriate funds to carry out the provisions of Chapter 24, Session Laws of 1890,

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

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

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

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers and to provide for licensing of engineers of steam engines,"

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

House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

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

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

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

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

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

House Bill No. 159,

A bill for an act to amend Section 30, Chapter 132 of the Laws of 1890,

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

House Bill No. 160,

A bill for an act to amend Section 49, Chapter 4 of the Penal Code, in reference to punishment for Sabbath breaking,

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

House Bill No. 161.

A bill for an act to amend Section 1395 of the Compiled Code of this State, relating to vacancies in the office of county commissioners,

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

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1877,

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

House Bill No. 163,

A bill for an act requiring all railroads, corporations, companies and persons operating a railroad and doing business in North Dakota to equip all their engines and cars with proper, efficient and safe automatic couplers and brakes, and for prescribing penalties for failure thereof,

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

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

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

House Bill No. 165,

A joint resolution for the submission of an amendment to the Constitution of the State of North Dakota,

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

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Olver,
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brown,	Haight,	Peterson,
Burke,	Hanson,	Richie,
Burton,	Havrevold,	Satterlund,
Christianson,	Hill,	Skinner.
Colosky,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Triplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Wallen,
Dennett,	Lamb,	Walton,
Douglas,	Loring,	Ward,
Erickson,	McCulloch,	Williams,
Farrar,	McKendry,	Yegen,
Fay,	Noltmier,	Mr. Speaker.
Fiske,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Larson,	Thompson,
Daily,	Loomis,	Watson,
Ebbighausen,	Lutz,	White.
Hall,		

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,
Was read the third time, and

Mr. Burton moved

That the bill be made a special order for Tuesday, February 10th at 3 o'clock, p. m.,

Which motion prevailed, and

The bill was made a special order.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 29,

A bill for an act providing extension of the time for the payment of taxes for the year 1890.

Also,

House Bill No 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota.

Also,

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20 of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887.

Also,

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

Also,

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of taxes for the year 1890,

Was read the third time, and

Mr. Kearney asked unanimous consent to offer an amendment to the bill.

Objection being made,

Mr. Kearney moved

To suspend the rules to permit amendments to the bill on its third reading,

Which motion was lost, and
The question being upon the passage of the bill,
The roll being called there were ayes 54, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Osgood,
Beardsley,	Gill,	Peabody,
Bjornson,	Graber,	Peterson,
Brooke,	Haight,	Richie,
Brown,	Hanson,	Satterland,
Burke,	Havrevold,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Hodgson,	Strom,
Colosky,	Holte,	Triplett,
Cope,	Holritz,	Tufts,
Daniel,	Horgan,	Wallen,
Davis,	Lamb,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Erickson,	McCulloch,	White,
Farrah,	McKendry,	Williams,
Fay,	Noltmier,	Yegen,
Fiske,	Oliver,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Hall,	Lutz,
Ebbighausen,	Larson,	Thompson.

Messrs. Cunningham and Kearney voting in the negative.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker announced his signature to
Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post.

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daniel,
Davis,
Dennett,
Erickson,
Farrah,
Fay,
Fiske,
Foss,

Messrs—

Gill,
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
McCulloch,
McKendry,
Noltimier,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Daily,
Douglas,
Ebbighausen,

Messrs—

Hall,
Larson,
Lutz,

Messrs—

Thompson,
Watson,
Williams.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz, and Thompson excused.

So the bill passed, more than two thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Farrah,
Fay,

Messrs—

Fiske,
Foss,
Gill,
Graber,
Haight,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
McCulloch,
McKendry,
Noltimier,

Messrs—

Oliver,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Havrevold,	Osgood,
Ebbighausen,	Larson,	Thompson.
Hall,	Lutz,	

Messrs. Hanson and Strom voting in the negative.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

Was read the third time and placed upon its final passage, and The question being upon the passage of the bill,

The roll being called there were ayes, 56; nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Osgood,
Beardsley,	Gill,	Peabody,
Bjornson,	Graber,	Peterson,
Brooke,	Haight,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Havrevold,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Hodgson,	Strom,
Colosky,	Holte,	Triplett,
Cope,	Holritz,	Tufts,
Cunningham,	Horgan,	Wallen,
Daniel,	Kearney,	Walton,
Davis,	Lamb,	Ward,
Dennett,	Loomis,	Watson,
Douglas,	Loring,	White,
Erickson,	McCulloch,	Williams,
Farrah,	McKendry,	Yegen,
Fay,	Noltmier,	Mr. Speaker.
Fiske,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Hall,	Lutz,
Ebbighausen,	Larson,	Thompson.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 26 of the Political Code being Section 478 of the Compiled Laws, Dakota, 1887,

Was read the third time and placed upon its final passage, and The question being upon the passage of the bill,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Oliver.
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hanson,	Richie,
Burke,	Havrevold,	Satterlund,
Burton,	Hill,	Skiinner,
Christianson,	Hodgson,	Smith,
Colosky,	Holte,	Strom,
Cope,	Holritz,	Triplett,
Cunningham,	Horgan,	Tufts,
Daniel,	Kearney,	Wallen,
Davis,	Lamb,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Erickson,	McCulloch,	White,
Farrah,	McKendry,	Yegen,
Fay,	Noltmier,	Mr. Speaker.
Fiske,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Larson,	Thompson,
Ebbighausen,	Lutz,	Williams.
Hall,		

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz, and Thompson being excused.

So the bill passed and the title was agreed to.

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 51, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Oliver,
Beardsley,	Foss,	Peabody,
Bjornson,	Gill,	Peterson,
Brooke,	Graber,	Richie,
Burke,	Haight,	Satterlund,
Burton,	Hanson,	Skiinner,
Christianson,	Havrevold,	Smith,
Colosky,	Hill,	Strom,
Cope,	Hodson,	Triplett,
Cunningham,	Holte,	Tufts,
Daniel,	Horgan,	Wallen,
Davis,	Kearney,	Walton,
Dennett,	Lamb,	Ward,
Douglas,	Loomis,	Watson,
Erickson,	Loring,	White,
Farrah,	McCulloch,	Yegen,
Fay,	Noltmier,	Mr. Speaker.

Those who voted in the negative were:

Messrs— Holritz, McKendry,	Messrs— Osgood,	Messrs— Williams.
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Absent and not voting:

Messrs— Brown, Daily, Ebbighausen,	Messrs— Hall, Larson,	Messrs— Lutz, Thompson.
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Messrs Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
February 7, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith the House Concurrent Resolution providing for a Joint Committee of the Senate and House, to revise, compile and codify all school laws, which the Senate has concurred in, and the President has appointed as such committee on the part of the Senate, Messrs. Pinkham and McCormick of Ramsey.

Also,

To inform you that the Senate has concurred in the Concurrent Resolution providing for a Special Joint Committee of seven to revise the present school laws, and that the President has appointed as such committee on the part of the Senate, Messrs. Worst, Kinter and McCormack of Grand Forks.

Also,

To inform you that the Senate has concurred in the Concurrent Resolution instructing the Attorney General to collect by suit all taxes due the State of North Dakota from the Northern Pacific railroad.

C. C. BOWSFIELD,
Secretary.

House Bill No, 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public schools,

Was read the third time, and

Mr. Douglas moved

That the bill be referred to the Joint Committee on Education,

Which motion prevailed, and

The bill was recommitted.

House Bill No. 123,

A bill for an act to promote the planting of forest trees upon the prairies of the State of North Dakota,

Was read the third time, and

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 138,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Was read the third time, and

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Was read the third time, and

Mr. Strom moved

That the bill be recommitted to the Committee on Military Affairs for correction.

Which motion prevailed, and

The bill was recommitted.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions.

Also,

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same.

Also,

House Bill No. 59,

A bill for an act to authorize the county commissioners of the several counties in the State of North Dakota to designate depositories for the funds of their respective counties, and for other purposes relative thereto.

Also,

House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds.

Also,

House Bill No. 74,

A bill for an act to amend Sections 4, 5 and 8 of the Special Laws of 1885, entitled, "An Act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T."

Also,

House Bill No. 75,

A bill for an act to amend Sections 2 and 3 of the Session Laws of 1887, regulating salaries of registers of deeds and county treasurers.

Also,

House Bill No. 98,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887.

Also,

House Bill No. 107,

A bill for an act to amend Section 2 of an act, entitled "An Act to amend Section 14 of Chapter 10, Session Laws of 1887, Chapter 52, Session Laws of 1889."

Also,

House Bill No. 108,

A bill for an act to amend Section 15 of an act entitled, "An Act creating the office of county auditor and defining the duties thereof, Chapter 10, Session Laws of 1887,"

Have had the same under consideration and recommend that said bills be referred to the Joint Committee on County Officials' Salaries and Duties.

FRED DENNETT,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed.

House Bill No, 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence and for their being restored to citizenship on certain conditions,

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

The question being upon the passage of the bill as amended,
The roll being called there were ayes 49, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Haight,	Osgood,
Beardsley,	Hanson,	Peabody,
Bjornson,	Havrevold,	Peterson,
Brooke,	Hill,	Richie,
Brown,	Hodgson,	Satterlund,
Burke,	Holte,	Skinner,
Cope,	Holritz,	Smith,
Daniel,	Horgan,	Strom,
Davis,	Kearney,	Triplett,
Dennett,	Lamb,	Tufts,
Douglas,	Loomis,	Wallen,
Farrah,	Loring,	Walton,
Pay,	McCulloch,	Ward,
Fiske,	McKendry,	Watson,
Foss,	Noltmier,	Yegen,
Gill,	Oliver,	Mr. Speaker.
Graber,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burton,	Colosky,	Cunningham.
Christianson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Hall,	Thompson,
Ebbighausen,	Larson,	White,
Erickson,	Lutz,	Williams.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

House Bill No. 194,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons and obstetricians, and to punish persons violating the provisions thereof,

Was read the third time, and

Mr. Gill asked unanimous consent to amend the bill as follows:

In line 5 Section 3, after the word "persons" add the words "now practicing and not having a State licensé or."

Which consent was given, and

The bill was so amended,

The question being upon the passage of the bill as amended,

The roll being called there were ayes 35, nays 14.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Burton,
Colosky,
Cope,
Cunningham,
Davis,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Haight,
Holte,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
McCulloch,
Noltimer,
Oliver,

Messrs—

Osgood,
Richie,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Walton,
Watson,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Christianson,
Erickson,
Foss,
Havrevold,
Hill,

Messrs—

Hodgson,
Holritz,
McKendry,
Peabody,
Peterson,

Messrs—

Satterlund,
Wallen,
Ward,
Yegen.

Absent and not voting:

Messrs—

Axvig,
Beardsley,
Daily,
Daniel,
Dennett,

Messrs—

Douglas,
Ebbighausen,
Hall,
Hanson,

Messrs—

Larson,
Lutz,
Thompson,
Williams.

Messrs. Daily, Ebbighausen, Hall, Larson, Lutz and Thompson being excused.

And so the bill passed; more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Triplett moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White, who were excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the Thirty-third day report that they have examined the same and find it to be correct.

Jos. COLOSKY,
Chairman.

Mr. Speaker appointed as the Committee to revise and correct the Journal Messrs. Yegen, Cunningham and Thompson.

PETITIONS AND COMMUNICATIONS.

Mr. Hill presented the following petition:

At a regular meeting of the Aliceton Farmers' Alliance of Ransom county North Dakota, held February 5, 1891, the following resolutions were unanimously adopted,

WHEREAS, It appears from authentic reports that the plant known as the Russian thistle or cactus is rapidly spreading throughout this State; and,

WHEREAS, We recognize in this plant one of the most formidable enemies of agriculture; therefore, be it

Resolved, That we earnestly petition the Legislature of North Dakota, now in session to take such action as it deems best to check its farther advance and lead ultimately to its extermination.

Resolved, That a copy of the foregoing resolution be sent to each of the members of the Legislature from this county.

B. B. STEVENS,
President.

J. W. BARRY,
Secretary.

Mr. Richie, by request, presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

J. M. WYLIE,
and 1,592 others.

Mr. Strom moved

That the petition be referred to the Committee on Temperance,
Which motion prevailed, and
The petition was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 9, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890.

Also,
Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,
Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,
Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

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

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 134,

A bill for an act to amend an act, entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer."

Also,

House Bill No. 128,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor.

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies.

Also,

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress.

Also,

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the — day of August, A. D. 1890.

Also,

House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended.

Also,

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of

North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

Also,

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, A. D. 1877,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

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

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An Act to regulate warehouses, inspection, weighing and handling of grain,"

And return the same by request of the House.

D. C. TUFTS,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

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

In Section 1, line 3, printed bill, strike out the word "December" and insert the word "November."

And when so amended recommend that the same do pass.

Also,

House Bill No. 144,

A bill for an act allowing cattle, horses and mules to run at large,

And recommend that the same be amended as follows:

Amend the title to read as follows:

"A bill for an act allowing cattle, horses, mules and sheep to run at large."

In Section 1, line 1, strike out the words "and mules" and insert in lieu thereof the words "mules and sheep."

In Section 1, line 3, strike out the words "15th day of October" and insert in lieu thereof the words "1st day of November," and in same section and line the word "May" and insert in lieu thereof the word "April."

And when so amended recommend the same do pass.

O. S. WALLEN,
Chairman.

The Committee on Taxation and Tax Laws made the following report:

MR. SPEAKER:

Your Committee on Taxation and Tax Laws to whom was referred

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid taxes.

Also,

House Bill No. 13,

A bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890.

Also,

House Bill No. 14,

A bill for an act to amend Section 55 of Chapter 132 of the Laws of 1890.

Also,

House Bill No. 16,

A bill for an act to amend Section 29 of Chapter 132 of revenue law of 1890.

Also,

House Bill No. 81,

A bill for an act to provide against false returns of property for taxation.

Also,

House Bill No. 95,

A bill for an act providing for the correction of assessments after the adjournment of the board of equalization.

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

GEO. E. OSGOOD,
Chairman.

Mr. Loomis moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The majority of the Committee on Temperance made the following report:

MR. SPEAKER:

The majority of your Committee on Temperance to whom was referred

House Bill No. 152,

A joint resolution for a proposition to amend the Constitution of the State,

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

L. C. HILL,
Chairman.

The minority of the Committee on Temperance made the following report:

MR. SPEAKER:

The minority of your Committee on Temperance to whom was referred

House Bill No. 152,

A joint resolution for a proposition to amend the Constitution of the State,

Have had the same under consideration, and a minority of said committee recommend that the same do pass.

M. F. WILLIAMS,
Chairman.

Mr. Hill moved
To adopt the report.

Mr. Triplett moved
To make the report a special order for Thursday, February 19.

Mr. Gill moved the previous question.

Mr. Brooke demanded a call of the House.

Call seconded.

Mr. Oliver moved
That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Roll called.

All members present except Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White, who were excused,

And further proceedings under call of the House were dispensed with.

Mr. Kearney moved
That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 22, nays 33.

Those who voted in the affirmative were:

Messrs—

Brooke,
Brown,
Burke,
Colosky,
Cope,
Cunningham,
Douglas,
Farrah,

Messrs—

Fay,
Haight,
Hall,
Horgan,
Kearney,
Loomis,
Lutz,

Messrs—

McKendry,
Osgood,
Triplett,
Walton,
Ward,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Peterson,
Beardsley,	Havrevold,	Richie,
Bjornson,	Hill,	Satterlund,
Burton,	Hodgson,	Skinner,
Davis,	Holte,	Smith,
Dennett,	Lamb,	Strom,
Erickson,	Loring,	Thompson,
Fiske,	McCulloch,	Tufts,
Foss,	Noltmier,	Wallen,
Gill,	Oliver,	Watson,
Graber,	Peabody,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Ebbighausen,	Larson,
Daily,	Holritz,	White.
Daniel,		

Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White being excused.

And so the motion to adjourn was lost.

Mr. Burton moved

To lay the motion to postpone consideration until February 19th upon the table.

Roll call demanded.

The roll being called there were ayes 29, nays 26.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Richie,
Beardsley,	Hill,	Skinner,
Bjornson,	Hodgson,	Smith,
Burton,	Holte,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Erickson,	Noltmier,	Wallen,
Fiske,	Oliver,	Watson,
Foss,	Peabody,	Mr. Speaker.
Gill,	Peterson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Graber,	McKendry,
Brown,	Haight,	Osgood,
Burke,	Hall,	Satterlund,
Colosky,	Havrevold,	Triplett,
Cope,	Horgan,	Walton,
Cunningham,	Kearney,	Ward,
Douglas,	Lamb,	Williams,
Farrah,	Loomis,	Yegen.
Fay,	Lutz,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Ebbighausen,	Larson,
Daily,	Holritz,	White.
Daniel,		

Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White being excused.

And so the motion to lay upon the table prevailed.

Mr. Brooke moved

That the subject matter under consideration be referred to General Orders.

Mr. Oliver moved the previous question on the adoption of the majority report.

Mr. Brooke moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 23, nays 32.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Brooke,	Fay,	McKendry,
Brown,	Graber,	Osgood,
Burke,	Haigt,	Triplett,
Colosky,	Hall,	Walton,
Cope,	Horgan,	Ward,
Cunningham,	Kearney,	Williams,
Douglas,	Loomis,	Yegen.
Farrah,	Lutz,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Havrevold,	Richie,
Beardsley,	Hill,	Satterlund,
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Davis,	Lamb,	Strom,
Dennett,	Loring,	Thompson,
Erickson,	McCulloch,	Tufts,
Fiske,	Noltimier,	Wallen,
Foss,	Oliver,	Watson,
Gill,	Peabody,	Mr. Speaker.
Hanson,	Peterson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Ebbighausen,	Larson,
Daily,	Holritz,	White.
Daniel,		

Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White being excused.

And so the motion to adjourn was lost.

Mr. Kearney moved

That the further consideration of the subject matter be postponed until a week from next Wednesday.

Mr. Oliver moved

To lay the motion upon the table.

Mr. Kearney moved

That the House do now adjourn.

Mr. Oliver's motion being put, prevailed.

Mr. Brooke raised the point of order that the motion to adjourn should have had precedence,

Which point of order was decided not well taken, because of no intervening business.

Mr. Brooke appealed from the decision of the Chair, and The question being shall the decision of the Chair be sustained, The decision of the Chair was sustained.

Mr. Oliver moved the previous question upon the adoption of the majority report,

And the question being, shall the main question be now put, The main question was ordered.

Mr. Brooke moved
That the House do now adjourn.

Mr. Oliver raised the point of order that the motion was out of order when the previous question had been ordered,

Which point of order Mr. Speaker decided well taken, and declared the motion out of order.

Mr. Burke appealed from the decision of the chair, and The question being, shall the decision of the chair be sustained?

The decision of the chair was sustained.

Mr. Burke moved
To lay the motion to adopt upon the table,
Which motion was ruled out of order.

Mr. Burke appealed from the decision of the chair, and The question being, shall the decision of the chair be sustained?

The decision of the chair was sustained.

The question being upon the adoption of the majority report of the Committee on Temperance on House Bill No. 152,

The roll being called there were ayes 35, nays 19.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Burke,
Burton,
Davis,
Dennett,
Douglas,
Erickson,
Fiske,
Foss,

Messrs—

Gill,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Kearney,
Lamb,
Loring,
McCulloch,
Noltmier,
Oliver,

Messrs—

Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Watson,
Mr. Speaker.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Brown,	Haight,	Osgood,
Colosky,	Hall,	Satterlund,
Cope,	Horgan,	Triplett,
Cunningham,	Loomis,	Walton,
Farrah,	Lutz,	Ward,
Fay,	McKendry,	Yegen.
Graber,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Christianson,	Ebbighausen,	White,
Daily,	Holritz,	Williams.
Daniel,	Larson,	

Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White being excused.

And so the motion to adopt the report prevailed and the further consideration of House Bill No. 152 was indefinitely postponed.

Mr. Hill moved

That the vote by which the majority report of the Committee on Temperance on House Bill No. 15 was adopted, be reconsidered, and that the motion to reconsider be laid upon the table.

Mr. Kearney moved

That the House do now adjourn,
Which motion was lost.

Mr. Kearney moved a call of the House.

Roll called.

All members present except Messrs. Christianson, Daily, Daniel, Ebbighausen, Havrevold, Holritz, Larson, White and Williams.

Messrs. Christianson, Daily, Daniel, Ebbighausen, Holritz, Larson and White being excused.

Mr. Burton moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Beardsley moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Gill moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Dennett moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

The Sergeant-at-Arms returned and reported that Mr. Williams could not be found.

Mr. Oliver moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

The Speaker announced that two Assistant Sergeant-at-Arms had been appointed to assist in compelling the attendance of absent members.

Mr. Oliver moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Kearny moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

At 9:20 o'clock p. m. the Sergeant-at-Arms returned and reported that he was unable to find Mr. Williams, the absent member, and was thereupon ordered by the Speaker to continue the search.

The Sergeant-at-Arms returned with Mr. Douglas who was discharged.

The Sergeant-at-Arms returned with Messrs. Farrah and Gill who were arraigned at the bar of the House, and upon explanation they were discharged.

Mr. Gill moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Gill moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Triplett moved

To dispense with further proceedings under call of the House, Which motion was lost.

Mr. Gill moved

That further proceedings under call of the House be dispensed with.

Roll call demanded.

The roll being called there were ayes 23, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hanson,	Peterson,
Burton,	Hill,	Richie,
Colosky,	Hodson,	Skinner,
Cope,	Holte,	Smith,
Davis,	Loring,	Strom,
Dennett,	McCulloch,	Wallen,
Foss,	Noltmier,	Mr. Speaker.
Gill,	Peabody,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Graber,	Osgood,
Brown,	Haight,	Satterlund.
Burke,	Havrevold,	Triplett,
Douglas,	Holritz,	Walton,
Farrab,	Horgan,	Ward,
Fay	Loomis,	Yegen.
Fiske,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Oliver,
Beardsley,	Hall,	Thompson,
Christianson,	Kearney,	Tufts,
Cunningham,	Lamb,	Watson,
Daily,	Larson,	White,
Daniel,	Lutz,	Williams.
Ebbighausen,		

Messrs. Christianson, Daily, Daniel, Ebbighausen, Larson and White being excused.

And so the motion to dispense with further proceedings under call of the House was lost, a majority of the members-elect not voting therefor.

Mr. Triplett moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

At 6:30 o'clock a. m., the Sergeat-at-Arms returned and reported that he had been unable to find the absentee.

Mr. Strom moved

That further proceedings under call of the House be dispensed with.

Which motion was lost.

At 1:59 o'clock p. m., Tuesday the Sergeant-at-Arms returned and reported that the absent member was present, and

Mr. Speaker announced that further proceedings under call of the House would be dispensed with.

The question then being upon Mr. Hill's motion to reconsider the vote by which the majority report of the Committee on Temperance on House Bill No. 152 was adopted and to lay the motion to reconsider upon the table,

Mr. Lutz moved

That the House do now adjourn until 2:30 o'clock p. m.,
Which motion was withdrawn.

Roll call demanded on the motion of Mr. Hill.

The roll being called there were ayes 30, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hill,	Richie,
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Lamb,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Erickson,	Noltmier,	Wallen,
Foss,	Olver,	Watson,
Gill,	Peabody,	White,
Hanson,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fay,	Loomis,
Brown,	Fiske,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	Ward,
Douglas,	Kearney,	Williams,
Ebbighausen,	Larson,	Yegen.
Farrah,		

Mr. Beardsley being absent and not voting.

And so the motion to reconsider and lay the motion to reconsider upon the table was lost.

Mr. Oliver moved

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

J. G. HAMILTON,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Beardsley.

Mr. Speaker continued the same committee to examine and correct the Journal.

Mr. Speaker announced his signature to Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levisse's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887.

Mr. Speaker appointed as the Joint Committee on the part of the House to revise, compile and codify all school laws, Messrs. Burton and Bjornson.

Also,

As a Joint Committee on the part of the House to revise the present school laws, Messrs. White, Peterson, Loring and Daily.

Mr. Oliver moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 30, nays 31.

Those who voted in the affirmative were:

Messrs---

Axvig,
Bjornson,
Burton,

Messrs---

Hanson,
Hill,
Hodgson,

Messrs---

Richie,
Skinner,
Smith,

Messrs—	Messrs—	Messrs—
Christianson,	Holte,	Strom,
Davis,	Lamb,	Thompson,
Dennett,	Loring,	Tufts,
Erickson,	Noltimier,	Wallen,
Fiske,	Oliver,	Watson,
Foss,	Peabody,	White,
Gill,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fay,	Lutz,
Brown,	Graber,	McCulloch,
Burke,	Haight,	McKendry,
Colosky,	Hall,	Osgood,
Cope,	Havrevold,	Satterlund,
Cunningham,	Holritz,	Triplett,
Daily,	Horgan,	Walton,
Daniel,	Kearney,	Ward,
Douglas,	Larson,	Williams,
Ebbighausen,	Loomis,	Yegen.
Farrah,		

Mr. Beardsley being absent and not voting.

And so the motion to adjourn was lost.

MOTIONS AND RESOLUTIONS.

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

Be it Resolved, That the Chief Clerk be and he is hereby instructed to request the opinion of the Attorney General in regard to the stock indemnity tax, which has been levied last year and is now being collected throughout the State, stating whether the same is legal and constitutional.

Which motion prevailed, and

The resolution was adopted.

UNFINISHED BUSINESS.

Mr. Lutz moved

To reconsider the vote by which the majority report of the Committee on Temperance on House Bill No. 152 was adopted.

Roll call demanded.

The roll being called there were ayes 31, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fay,	Loomis,
Brown,	Fiske,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	Ward,
Douglas,	Kearney,	Williams,
Ebbighausen,	Larson,	Yegen.
Farrah,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hill,	Richie,
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Lamb,	Strom,
Davis,	Loring,	Thompson.
Dennett,	McCulloch,	Tufts,
Erickson,	Noltimier,	Wallen,
Foss,	Oliver,	Watson,
Gill,	Peabody,	White,
Hanson,	Peterson,	Mr. Speaker.

Mr. Beardsley being absent and not voting.

And so the motion to reconsider prevailed.

Mr. Oliver demanded a call of the House.

Call seconded.

Roll called.

All members present except Mr. Beardsley.

Mr. Burke moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

The Sergeant-at-Arms returned and reported that Mr. Beardsley's physical condition was such that it would be unsafe for him to attend any session of the House.

Mr. Kearney moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Kearney moved

That Mr. Beardsley be excused.

Mr. Gill moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 30, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Richie,
Bjornson,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Erickson,	Noltimier,	Wallen,
Fiske,	Oliver,	Watson,
Foss,	Peabody,	White,
Gill,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brooke,
Brown,
Burke,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Douglas,
Ebbighausen,
Farrah,

Messrs—

Fay,
Graber,
Haight,
Hall,
Havrevold,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,

Messrs—

Loomis,
Lutz,
McKendry,
Osgood,
Satterlund,
Triplett,
Walton,
Ward,
Williams,
Yegen.

Mr. Beardsley being absent and not voting,

And so the motion to adjourn was lost.

Mr. Gill demanded a call of the House.

Call seconded.

Roll called.

All members present except Mr. Beardsley.

Mr. Lutz moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Gill moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Lutz moved

That further consideration of the reports of the Committee on Temperance on House Bill No. 152 be postponed, and that the same be made a special order for to-morrow afternoon at 3 o'clock p. m.,

Which motion prevailed.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal report that they have examined the Journals of the Thirty-fifth and Thirty-sixth days and find the same to be correct, with the exception that House Bill No. 152 on pages 317 and 318, thirty-fifth day, should read "A concnrrnt resolution" instead of "A joint resolution."

JOHN YEGEN,
Chairman.

PETITIONS AND COMMUNICATIONS, ETC.

Mr. Speaker laid the following petition before the House:

To the Honorable, the House of Representatives of the State of North Dakota:

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

B. F. WARREN,
And 38 others.

Mr. McKendry presented the following petition:

MANDAN, N. D., February 10, 1891.

To Hon. William McKendry:

DEAR SIR: Please labor for resubmission, and the Goddess of liberty will bless you. This is a question of right and justice, and should be acceptable to every man who believes in a Republican form of government.

J. E. CAMPBELL,
And 300 others.

Also, the following communication:

MANDAN, N. D., February 10, 1891.

To Hon. William McKendry, Bismarck, N. D.:

DEAR SIR: At a meeting of citizens of Morton county, held at Mandan to-day, it was resolved that you should use your influence, and vote in behalf of resubmission.

JOSEPH MILLER,
Chairman.

Mr. Lutz presented the following petition:

To the Honorable Members of the House of Representatives of the State of North Dakota:

We, the undersigned property owners and taxpayers, respectfully submit to your honorable body the feasibility of a resubmission of the prohibitory law to the voters of our State at as early a day as possible.

Our reasons for asking a change are as follows:

First. An immense amount of money leaves the State for beverages drank which could be manufactured here.

Second. By making a license for selling it would bring a revenue to defray our running expenses.

Third. Our taxes would be lower.

Fourth. It will disinhabit the State to a large degree if no change is made.

Fifth. Many houses would be empty.

Sixth. Taxes would be too oppressive. We couldn't pay them. Hence, we ever pray you give this your due consideration.

S. S. ALTSCHUL,
and 31 others.

Mr. Williams arising to a question of privilege, sent the following telegram to the Clerks desk and asked that it be read in full:

GRAND FORKS, N. D., February 10, 1891,

To M. F. Williams and the Grand Forks County Delegation:

Stand by resubmission. The business interests and the taxpayers of the State are with you. (Signed)

G. F. Shutt, J. M. Tress, C. A. Hale, Geo. B. Clifford, J. S. Bartholomew, Walter J. S. Brill, Tony R. Bangs, C. J. Fisk, Geo. A. Bangs, Robert Bargh, R. W. Cutts, P. McDonnell, John Zerfass, Jr., M. J. Moran, Stephen Collins, W. A. Johnson, M. F. Murphy, S. Fred Schuid, T. C. Bjornstad, J. B. Wine-
mier, M. J. O'Connor, S. J. Hassell, Henry Gotsein, W. J. Anderson, Wm. Ackerman, Charles Allen, W. H. Tapping, C. N. Barnes, Geo. F. Blackburn, Thos. W. Neville, J. Callendar, W. D. Palmer, S. W. Rutledge, Wm. Budge, T. W. Griffin, John E. Cooley, M. L. Gorden, M. O. Hern, Jos. P. Young, John Birkholtz, James Rae, J. R. Hogan, W. J. Doheny, M. J. Lyons, E. C. Rychmond, Peter F. Wersteim, M. Addison, Ben Franklin, T. C. Caniff, H. H. Opsahl, C. H. Opsahl, P. W. Burjessen, Thos. Rycroft, J. B. Clifford, M. Byne, Thos. Fox, A. F. Turner, F. W. Wieder, T. L. Adare, Geo. W. Aker, C. F. Leary, W. A. Currie, D. S. Dyer, C. B. Ingalls, H. H. Wells, A. McKindrey, R. S. S. Andrews, A. S. Brooks, D. Somerville, D. S. Stewart, A. C. Howe, A. C. Labrie, W. M. Parker, C. L. Grabet, John Purcell, W. Brown, J. Anderson, A. Abrahamson, Alex. Griggs, Kops Bros., C. R. Hunter, F. B. Chapman, G. C. Hig-
ham, W. W. Brown & Son, H. J. Ephraim & Bros., Rand Bros., C. M. Rand, A. G. Johnson & Co., J. M. Sullivan, C. M. Clarke, Wm. Busse, J. B. Mooney, E. J. Landler, Max Wittelshofer, M. R. Lasham, H. P. Ryan, C. Crowley, F. W. Tuttle, H. C. Dyckey, F. W. Coleman, F. S. Lycan, M. L. Wilder, G. M. Bliss, J. K. Swan, P. Reder, John Budge, J. Walker Smith, D. P. McLaurin, with 500 more.

THE HERALD.

Mr. Dailey presented the following:

The board of county commissioners of Walsh county, North Dakota, do recommend that your honorable body shall make a law extending the time for payment of all real estate and personal property taxes within the State to October 1, 1891. In our opinion the Legislature will confer a great favor on the taxpayers in making such a law to apply to the taxes of 1890.

Mr. Gill presented the following communication:

WHEATLAND, N. D., February 10, 1891.

Hon. J. C. Gill, Bismarck, N. D.:

FRIEND GILL: Please except my congratulations for the stand and good fight you are making against the resubmission "fake." Without a doubt this district is with you, and you are doing yourself proud. My success crown your efforts.

Yours truly,

H. A. McCONVILLE.

Mr. Peterson presented the following petition:

To the Honorable Senate and House of Representatives of North Dakota at Bismarck:

We, the undersigned citizens of Cass county and State of North Dakota, do respectfully petition your honorable body to repeal Section 41 of Article 3, District School Law of 1890

JOHN THOEMKE

and 35 others.

The petition was referred to the Committee on Education.

Mr. Oliver presented the following telegram:

LISBON, N. D., February 11, 1891.

To Hon. H. S. Oliver:

Petition against resubmission of prohibition with over 100 signatures on the way to you.

R. S. ADAMS.

REPORTS OF STANDING COMMITTEES.

The Joint Committee on Educational Institutions made the following report:

MR. SPEAKER:

Your Joint Committee on Educational Institutions to whom was referred

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890, providing for the establishment, erection and operation of the North Dakota Agricultural College and Experimental Station at Fargo,

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

M. L. McCORMACK,

Chairman on part of the Senate.

FRANK WHITE,

Chairman on part of the House.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890.

Also,

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of an act entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Oliver introduced the following memorial and moved its adoption:

JOINT RESOLUTION.

WHEREAS, The State of North Dakota has among its limited ordnance stores some 1,000 old style Springfield rifles without the necessary accoutrements; and

WHEREAS, Congress has recently appropriated to the State of North Dakota these 1,000 old style Springfield rifles without the usual accompanying accoutrements; and

WHEREAS, It is customary to have accoutrements with arms of this class; and

WHEREAS, The Legislative Assembly of the State of North Dakota has deemed it wise and proper to impose it as a duty upon the Governor of the State to issue these arms to the various Grand Army posts within the State, that said Grand Army posts may be effective in time of emergency; now, therefore,

Be it resolved by the Second Legislative Assembly of the State of North Dakota: That the Congress of the United States is hereby memorialized to enact such legislation as shall authorize the honorable Secretary of War to issue to the State of North Dakota 1,000 old style accoutrements, to-wit:

- 1,000 cartridge boxes, with plates U. S.
- 1,000 waist belts, with plates U. S.
- 1,000 bayonet scabbards.
- 1,000 shoulder belts, with plates U. S.
- 1,000 gun straps.
- 1,000 canteens.
- 1,000 knapsacks.

And be it further resolved, That the members of Congress representing the State of North Dakota be requested to use all honorable means within their power to secure the passage of such legislation as shall caused to be appropriated to the State of North Dakota the accoutrements herewith prayed for.

Which motion prevailed, and
The memorial was adopted.

Mr. Kearney introduced the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring:

SECTION 1. That the Board of Trustees of the Insane Asylum of North Dakota are hereby instructed to commence legal proceedings against Alfred Dickey, J. W. Sheridan and A. J. Smith as bondsmen for the Gray Brothers, together with said Gray Brothers for damage and non-fulfillment of contract in boring an artesian well for the said Insane Asylum at Jamestown, North Dakota, said suit to be entered in the Federal court at Fargo.

SEC. 2. Nothing in this resolution shall prevent the counsel employed from using his discretion in naming the parties as defendants in the action.

Which motion prevailed, and
The Concurrent Resolution was adopted.

UNFINISHED BUSINESS.

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

Which was made a special order for February 10th, at 3 o'clock p. m.,

Was placed upon its final passage, and

The question being upon the passage of the bill,

The roll being called there were ayes 60, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Noltmier,
Bjornson,	Gill,	Oliver,
Brooke,	Graber,	Osgood,
Brown,	Haight,	Peabody,
Burke,	Hall,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cope,	Hodgson,	Strom,
Cunningham,	Holte,	Thompson,
Daily,	Holritz,	Triplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Wallen,
Dennett,	Lamb,	Walton,
Douglas,	Larson,	Ward,
Ebbighausen,	Loomis,	Watson,
Erickson,	Loring,	White,
Farrah,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Fiske,	McKendry,	Mr. Speaker.

Mr. Peterson voting in the negative.

Mr. Beardsley being absent and excused.

So the bill passed and the title was agreed to.

The Speaker appointed as a committee to correct and revise the Journal Messrs. Daniel, Axvig and Haight.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 11, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

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

Also,

To inform the House that the Senate has concurred in the concurrent resolution for the appointment of a joint committee to consider all bills relating to salaries and duties of county officers and that the president has appointed as such committee, on the part of the Senate, Messrs. Haggart and Worst.

Also,

To inform the House that the President has appointed as the committee on the part of the Senate, to consider all bills relating to prairie fires and fire breaks, Messrs. Miller and Worst.

Also,

To inform the House that the Senate has refused to concur in the House Concurrent Resolution in relation to the appointment of a sub-committee by the Joint Committee appointed to gather facts relative to the cost and value of railroads.

Also, to transmit herewith
Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools.

Also,

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

Also,

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same.

Also,

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same.

Also,

Senate Bill No. 60,

A bill for an act for an appropriation for the erection of a Soldiers' home at Lisbon, Ransom county, North Dakota, and for current and contingent expenses for the same.

Also,

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota.

Also,

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 19,

A bill for an act for paroling prisoners.

Also,

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887.

Also,

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor.

Also,

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota.

Also,

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

All of which the Senate has passed, and your favorable consideration thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Oliver introduced—

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and providing penalties therefor, and for the repeal of Chapter — of Laws of 1885, and Chapter 112, Laws of 1885,

Which was read the first time.

Also,

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

Which was read the first time.

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts and providing for the practice and proceeding therein and providing for clerk hire therefor,

Which was read the first time.

Mr. Speaker called Mr. Oliver to the Chair.

Mr. Kearney introduced—

House Bill No 187,

A bill for an act to protect the cheese industry of North Dakota,

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Mr. Fay introduced—

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

Mr. Gill introduced—

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State providing a penalty for refusal of information regarding the same.

Mr. Colosky introduced—

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of a poll tax within the State of North Dakota.

Mr. Satterlund introduced—

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act, entitled "An Act pertaining to the subdivision of the counties of Walette and Howard, Dakota Territory, approved March 9, 1883."

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes.

Was read the first time.

House Bill No. 167,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota.

Was read the first time, and

Mr. Holte moved

That the rules be suspended and that House Bill No. 167 be now read the second time, and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 167,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

Was read the second time, and referred to the Joint Committee on salaries of County Officials.

House Bill No. 168,

A bill for an act to provide for holding farmers' institutes.

Was read the first time.

House Bill No. 169,

A bill for an act increasing the jurisdiction of justice courts.

Was read the first time, and

Mr. Peabody moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 170,

A bill for an act to provide for procuring and using copies of pleadings and other papers in actions where the originals or copies belonging to either party are lost or destroyed and for entering judgment in cases where the defendant is in default and the original summons and complaint are lost or destroyed and cannot be reproduced,

Was read the first time.

House Bill No. 171,

A bill for an act to amend Chapter 87, Section 1, Session Laws of 1890, being an act to amend Section 2 of Chapter 88, Session Laws of 1889,

Was read the first time.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order set for 3 o'clock p. m.

Mr. Burke moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 152 and the majority and minority reports of the Committee on Temperance on the same,

Which motion prevailed, and

Mr. Speaker called Mr. Hill to the Chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 152,

A concurrent resolution for a proposition to amend the Constitution of the State,

Together with the majority and minority reports of the Committee on Temperance thereon, and recommend that the bill be placed upon its third reading and final passage and that the bill do pass.

L. C. HILL,
Chairman.

Mr. Lutz moved

To adopt the report.

Roll call demanded.

The roll being called there were ayes 32, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Loomis,
Brooke,	Fay,	Lutz,
Brown,	Fiske,	McKendry,
Burke,	Graber,	Osgood,
Colosky,	Haight,	Satterlund,
Cope,	Hall,	Triplett,
Cunningham,	Havrevold,	Walton,
Daily,	Holritz,	Ward,
Daniel,	Horgan,	Williams,
Douglas,	Kearney,	Yegen.
Ebbighausen,	Larson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Lamb,	Strom,
Davis,	Loring,	Thompson.
Dennett,	McCulloch,	Tufts,
Erickson,	Noltmier,	Wallen,
Foss,	Oliver,	Watson,
Gill,	Peabody,	White.
Hanson,	Peterson,	Mr. Speaker.
Hill,	Rachie,	

Mr. Beardsley being absent and excused.

And so the motion prevailed, and

The report of the Committee of the Whole was adopted.

House Bill No. 152,

Being a concurrent resolution for a proposition to amend the Constitution of the State.

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

The question being upon the adoption of the concurrent resolution,

The roll being called there were ayes 32, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Loomis,
Brooke,	Fay,	Lutz,
Brown,	Fiske,	McKendry,
Burke,	Graber,	Osgood,
Colosky,	Haight,	Satterlund,
Cope,	Hall,	Triplett,
Cunningham,	Havrevold,	Walton,
Daily,	Holritz,	Ward,
Daniel,	Horgan,	Williams,
Douglas,	Kearney,	Yegen.
Ebbighausen,	Larson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Lamb,	Strom,

Messrs—
 Davis,
 Dennett,
 Erickson,
 Foss,
 Gill,
 Hanson,
 Hill,

Messrs—
 Loring,
 McCulloch,
 Noltmier,
 Oliver,
 Peabody,
 Peterson,
 Richie,

Messrs—
 Thompson,
 Tufts,
 Wallen,
 Watson,
 White,
 Mr. Speaker.

Mr. Beardsley being absent and excused.

And so the concurrent resolution was adopted, a majority of the members-elect voting therefor.

Mr. Brooke moved that the vote by which House Bill No. 152,

Being a concurrent resolution for a proposition to amend the constitution of the state,

Was adopted be reconsidered and that the motion to reconsider be laid upon the table.

Roll call demanded.

The roll being called there were ayes 31, nays 30.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Brooke,
 Brown,
 Burke,
 Colosky,
 Cope,
 Cunningham,
 Daily,
 Daniel,
 Douglas,
 Ebbighausen,

Messrs—
 Farrah,
 Fay,
 Graber,
 Haight,
 Hall,
 Havrevold,
 Holritz,
 Horgan,
 Kearney,
 Larson,
 Loomis,

Messrs—
 Lutz,
 McKendry,
 Osgood,
 Satterlund,
 Triplett,
 Walton,
 Ward,
 Williams,
 Yegen.

Those who voted in the negative were:

Messrs—
 Bjornson,
 Burton,
 Christianson,
 Davis,
 Dennett,
 Erickson,
 Fiske,
 Foss,
 Gill,
 Hanson,

Messrs—
 Hill,
 Hodgson,
 Holte,
 Lamb,
 Loring,
 McCulloch,
 Noltmier,
 Olver,
 Peabody,
 Peterson,

Messrs—
 Richie,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Tufts,
 Wallen,
 Watson,
 White,
 Mr. Speaker.

Mr. Beardsley being absent and excused.

And so the motion to reconsider and to lay the motion to reconsider on the table prevailed.

The House returned to the first reading of House bills.

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed for needy farmers resident therein,

Was read the first time, and

Mr. Hodgson moved

That the rules be suspended, and that House Bill No. 172 be now read the second time, and referred to its appropriate Committee,

Which motion prevailed, and
House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed for needy farmers resident therein,

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

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Was read the first time.

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

Was read the first time.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Gill moved

That the rules be suspended and that the House proceed to the first reading of Senate bills,

Which motion prevailed, and
Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

Was read the first time.

Senate Bill No. 78,

A joint memorial to the Congress of the United States,

Was read the first time.

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts, county auditors and county superintendents of schools in counties having a population of less than 1,000,

Was read the first time.

Senate Bill No. 31,

A bill for an act to amend Section 31 of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

Was read the first time.

Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of towns and cities."

Was read the first time.

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrailie, to the General Fund of the State of North Dakota,

Was read the first time.

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements,

Was read the first time.

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

Was read the first time.

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

Was read the first time.

Senate Bill No. 60,

A bill for an act for an appropriation for the erection of a Soldiers' home at Lisbon, Ransom county, N. D., and for current and contingent expenses for the same,

Was read the first time.

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

Was read the first time

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

Was read the first time.

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

Was read the first time.

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

Was read the first time.

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake and the purchase of a site therefor,

Was read the first time.

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

Was read the first time.

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889 and Section 15, Chapter 10, Session Laws of 1887,

Was read the first time.

Mr. Gill moved

That the rules be suspended and that Senate No. 121 be now read the second time and referred to the Joint Committee on Salaries of County Officers,

Which motion prevailed, and

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

Was read the second time and referred to the Joint Committee on Salaries of County Officers.

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the first time.

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Was read the first time.

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890.

Was read the first time.

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Was read the first time.

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

Was read the first time.

Mr. Lutz moved that Senate Bill No. 27 be returned to the Senate for correction.

Which motion prevailed.

Mr. Gill moved

That all Senate bills that have been read the first time be now read the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

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

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

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

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

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

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

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

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

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

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

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

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

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

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

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

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

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

Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home,

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

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

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

• Senate Bill No 140. was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 99 was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 72 was read the second time and referred to the Committee on Appropriations.

Senate Bill No. 65 was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 102 was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 10 was read the second time, and referred to the Committee on Municipal Corporations.

Senate Bill No. 78 was read the second time and referred to the Committee on Military Affairs.

Senate Bill No. 31 was read the second time and referred to the Committee on Judiciary.

Senate Bill No. 53 was read the second time and referred to the Joint Committee on Salary of County Officers.

Senate Bill No. 98 was read the second time and referred to the Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

Mr. Gill moved

That the rules be suspended and that the House proceed to the third reading of House bills,

Which motion prevailed, and
House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended.

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

The question being upon the passage of the bill,

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Axvig,	Foss,	Noltmier,
Bjornson,	Gill,	Oliver,
Brooke,	Graber,	Osgood,
Brown,	Hall,	Peabody,
Burke,	Hanson,	Peterson,
Burton,	Havrevold,	Richie,
Colosky,	Hill,	Satterlund,
Cope,	Hodgson,	Skinner,
Cunningham,	Holte,	Smith,
Daily,	Holritz,	Strom,
Daniel,	Horgan,	Thompson,
Davis,	Kearney,	Triplett,
Dennett,	Lamb,	Tufts,
Douglas,	Larson,	Wallen,
Ebbighausen,	Loomis,	Walton,
Erickson,	Loring,	Ward,
Farrah,	Lutz,	Watson,
Fay,	McCulloch,	Yegen,
Fiske,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Haight,	Williams.
Christianson,	White,	

Mr. Beardsley being excused.

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 152,

A concurrent resolution providing for the repeal by vote of the people of Article 20 of the Constitution of the State of North Dakota entitled "Prohibition,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Burton moved

That the rules be suspended, and that the House resolve itself into Committee of the Whole for the purpose of considering House Bill No. 69,

Which motion prevailed.

Mr. Burke moved

To reconsider the vote just taken,
Which motion was lost.

Mr. Speaker called Mr. Oliver to the Chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 69,

A joint resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

And recommend that the title be amended by striking out the word "Joint" and inserting in lieu thereof the word "Concurrent,"

And recommend that the further consideration of the bill be postponed until February 18th at 3 o'clock p. m.

H. S. OLIVER,
Chairman.

Mr. Oliver moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Speaker called Mr. Brooke to the Chair.

Mr. Gill moved

That the rules be suspended and that Senate Bill No. 92 be now read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890, relating to the Agricultural College at Fargo,

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

The question being upon the final passage of the bill,
The roll being called there were ayes 57, nays none.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Oliver,
Bjornson,	Haight,	Osgood,
Brooke,	Hall,	Peabody,
Brown,	Hanson,	Peterson,
Burke,	Havrevold,	Richie,
Burton,	Hill,	Satterlund,
Christianson,	Hodson,	Skinner,
Colosky,	Holte,	Smith,
Cunningham,	Holritz,	Strom,
Daily,	Horgan,	Thompson,
Daniel,	Kearney,	Triplett,
Davis,	Lamb,	Tufts,
Dennett,	Larson,	Wallen,
Douglas,	Loomis,	Walton,
Ebbighausen,	Loring,	Ward,
Farrah,	Lutz,	Watson,
Fay,	McCulloch,	White,
Fiske,	McKendry,	Williams,
Gill,	Noltmier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Yegen.
Cope,	Foss,	

Mr. Beardsley being excused.

So the bill passed and the title was agreed to.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 12, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beardsley, Havrevold and Peabody.

Messrs. Beardsley and Peabody being excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the thirty-seventh day report that they have examined the same and find it to be correct.

W. H. DANIEL,
Chairman.

Mr. Brooke asked to have the Journal corrected as follows:

On page 10, under consideration of Special Orders, change "Mr. Burke moved" to "Mr. Brooke moved."

Mr. Hill presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

MRS. GEO. BLANCHARD,
and 85 others.

Also,

The following telegram:

GRAND FORKS, N. D., February 11, 1891.

To L. C. Hill:

I understand the report is current in Bismarck that the Herald approves

and has signed an endorsement of Williams' action in regard to submission, which is false. Neither myself or the Herald have signed any paper in favor of submission.

WINSHIP.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 52,

A bill for an act to prevent prairie fires and to provide against damage being done by them,

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

FRED DENNETT,
Chairman.

Mr. Watson moved
To adopt the report,
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. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Have had the same under consideration and offer the following substitute bill that the same be amended as follows:

A BILL

For An Act to Amend Section 20 of Chapter 119 of the Laws of 1890.

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

SEC. 20. There shall be printed 1,000 copies of the biennial reports of the State Auditor, Treasurer, Commissioner of Insurance and Superintendent of Public Instruction, and 500 copies of the biennial reports of other State Officers and public institutions required to make reports; *Provided*, That on request of the Commissioner of Agriculture and Labor, such request to be approved by the Governor, there shall be printed separately in pamphlet form, such parts of the biennial report of the said Commissioner of Agriculture and Labor, or such special papers or articles in connection therewith, and also such crop reports or other papers or pamphlets from time to time, as the said Commissioner and the Governor may jointly recommend for such separate publication; and the number of copies to be printed of each of such separate publications, crop reports or other papers or pamphlets shall be determined by the Commissioner of Agriculture and Labor, and the Governor jointly.

And recommend that the substitute bill do pass.

FRED DENNETT,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1877,

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

Also,

House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

And recommend that the same be reported back to the House with recommendation that it be referred to the Joint Committee on County Officers' Salaries.

GEO. H. FAY,
Chairman.

Mr. Strom moved

To adopt the report of the Committee on Judiciary on House Bill No. 129,

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. 147,

A bill for an act to repeal Section 2 of Chapter 88 of the Laws of 1890, entitled "An Act providing for a lien upon threshing machines or separators for repairing the same,"

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

GEO. H. FAY,
Chairman.

Mr. Williams moved

That House Bill No. 147 be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers and to provide for licensing of engineers of steam engines,"

Have had the same under consideration and recommend that the same be reported back to the House, with recommendation that it be referred to the Committee on Agriculture with request

that they inspect present boiler inspection law with a view of remedying defects therein by a bill to be prepared.

GEO. H. FAY,
Chairman.

Mr. Walton moved

That House Bill No. 155 be referred to General Orders.

Mr. Strom moved as a substitute

That the bill be referred to the Committee on Agriculture,

Which motion was lost, and

The question recurring on the motion of Mr. Walton,

The motion prevailed, and

The bill was referred to General Orders.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 160,

A bill for an act to amend Section 49, Chapter 4 of the Penal Code, in reference to punishment for Sabbath breaking,

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

GEO. H. FAY,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

House Bill No. 115,

A bill for an act providing for a lien for the service of stallion or bull,

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

Also,

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota,

And recommend that the same be amended as follows:

That the title be amended by adding:

"And to provide a lien for the service of sires."

In Section 1, line 6, that the word "act" be inserted after the word "this."

In Section 2, line 5, that the word "county" be stricken out, and the word "district" inserted in lieu thereof.

In Section 3, lines 6 and 7, that the words "verified by affidavit or affirmation" after the word "account" in line 6 be stricken out.

That Section 4 be stricken out and the following be inserted in lieu thereof:

"It shall be the duty of the register of deeds to file and enter said statements in the manner required by law for the filing and entering of chattel mortgages, and he shall be entitled to a fee of 10 cents each, for filing and discharge thereof."

They further recommend that the following two sections be added after Section 5:

SEC. 6. The said lien may be foreclosed by sale of the property embraced in said lien upon the notice and in the manner provided by law for the foreclosure of chattel mortgages, and the cost and fees for foreclosing shall be the same; *Provided*, Said lien shall not be foreclosed for a period of nine months after the filing of said lien aforesaid, unless the owner of said female shall attempt to dispose of or remove said female from the county, or in case said female should be foreclosed on, then and in that case said lien may be foreclosed at any time.

SEC. 7. Any person selling, secreting or disposing of property covered by said lien without the written consent of the owner of said lieu is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or by imprisonment in the county jail for not to exceed thirty days or by both such fine and imprisonment.

That Section 6 be made Section 8.

That an emergency clause be added to the bill, as follows:

"SEC. 9. Whereas, an emergency exists by reason of there being at present time no law for the protection of stock raisers, and for the reason that such a law going into effect in the midst of the season would work an inconvenience to the owners of sires; therefore, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

O. S. WALLEN,
Chairman.

Mr. Watson moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Peterson moved
That House Bill No. 160 be referred to General Orders,
Which motion prevailed, and
The bill was so referred.

MOTIONS AND RESOLUTIONS.

Mr. Lamb offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION

For a Memorial to Congress for an Appropriation to Irrigate the Arid and Semi-arid Districts of North Dakota.

To the Honorable the Congress of the United States:

The people of the State of North Dakota in Legislative Assembly convened respectfully represent:

WHEREAS, The State of North Dakota, with a population of nearly a quarter of a million of people, who in good faith have paid the national government \$20,000,000 for what they supposed at time of purchase to be arable lands; and

WHEREAS, The continued failure of crops by reason of drouth for the three years last past proves conclusively that the major portion of the land so purchased is not arable, but is in fact arid or semi-arid lands; and

WHEREAS, The rainfall throughout the greater portion of the said lands is insufficient for the nurturing of agricultural industries, and by reason of such lack of rainfall there has resulted long and severe drouths for a series of successive years, and during such periods of drouth all the surface water has

been removed from the land by the process of evaporation, except in the deep-water lakes and rivers, which "are few and far between." That by reason of such continued drouths the agricultural interests have, during such dry periods, suffered almost an entire failure, thus greatly retarding the growth and development of the country, producing general stagnation in all lines of business, and spreading distress and desolation throughout the land.

Therefore, the people of this State do respectfully petition your honorable body, the Congress of the United States, praying that such laws may be enacted as will secure the appropriation of such sums of money as may be reasonable to successfully irrigate by means of artesian wells, or other practical methods, the settled parts of the arid and semi-arid lands of North Dakota, and for the passage of such laws as may be necessary to settle all interstate irrigation questions.

Which motion prevailed, and
The Concurrent resolution was adopted.

Mr. Richie introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved, That there be a committee of seven appointed, four from the House of Representatives, appointed by the Speaker of the House, and three from the Senate, appointed by the President of the Senate to take into consideration the practicability and advisability of moving the Capitol from Bismarck, North Dakota, to some other more convenient and accessible point in the State, to receive propositions of donations of either money or site or both, from different cities or towns, who desire the same (if any there be) to inquire into the desirability of accepting, any or either of them, and to take into consideration the whole subject matter of continuing or discontinuing the Capital at Bismarck, and to report to the next Session of the Legislative Assembly of this State.

Mr. Burton moved

That the resolution be made a special order for February 18th at 3 o'clock p. m.,

Which motion prevailed, and
The resolution was made a special order.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Cope introduced—

House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

Which was read the first time.

Mr. Erickson introduced—

House Bill No. 185,

A bill for an act to repeal Chapter 117 of the Laws of 1890,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies.

Mr. Gill moved

That the first reading at length of the bill be deferred until it shall be printed,

Which motion prevailed.

Mr. McCulloch introduced—

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgements taken by registers of deeds and township clerks,

Which was read the first time.

Mr. Foss introduced—

House Bill No. 188,

A bill for an act to provide for the assessment and taxation of railroads and railroad property in the State of North Dakota.

Which was read the first time.

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Was read the first time.

Mr. Richie moved

That the rules be suspended, and that House Bill No. 179 be now read the second time and referred to it appropriate committee,

Which motion prevailed, and

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties,

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

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

Was read the first time.

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of a poll tax within the State of North Dakota,

Was read the first time.

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act, entitled "An Act pertaining to the subdivision of the counties of Waillette and Howard, Dakota Territory, approved March 9, 1883,"

Was read the first time.

Mr. Foss moved

That the rules be suspended and that all House bills that have been read the first time and are printed be now read the second time,

Which motion prevailed, and
House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, 'An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory,'

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

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota,

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

House Bill No. 83,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled, "An Act pertaining to the subdivision of the counties of Walleette and Howard, Dakota Territory, approved March 8, 1883,"

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

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 12, 1891. }

To the Speaker of the House of Representatives:

I have deemed it proper to call the attention of your honorable body to the need of a fund from which to liquidate the expenses incurred by the Executive Department during the recent Indian trouble.

The exigencies of the case warranted me in supplying citizens residing adjacent to the several Indian reservations with arms and amunition at that time, in assuming telegraphic, railroad, cartage, and other incidental expenses; some of these bills I was obliged to pay at once from my private funds, and for others to become personally responsible; besides the indebtedness incurred in preparing the State Militia for effective service.

From the bills already presented, and from a careful estimate of others contracted but not yet received, I am convinced that \$1,-600 will be required to meet these obligations.

I, therefore, respectfully ask your honorable body to take such action in the premises as in your judgment may seem proper and adequate to relieve me of this responsibility.

Very respectfully,

ANDREW H. BURKE,
Governor.

Mr. White moved

That the rules be suspended to permit the introduction of a bill,
Which motion prevailed, and

Mr. White introduced—

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak,

Which was read the first time.

House Bill No. 103,

A bill for an act to establish reasonable maximum rates of charges for the transportation of freight and property on the different railroads of this State,

Was partially read the first time, and

Mr. Gill moved

That the rules be suspended and that the House proceed to the third reading of House bills,

Which motion prevailed, and

House Bill No. 33,

A bill for an act to amend Section 1474 of the Compiled Laws of Dakota, 1887,

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

The question being on the final passage of the bill,

The roll being called there were ayes 48, nays 5.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fiske,

Messrs—

Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Hoite,
Holritz,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Noltmier,
Osgood,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Triplett,
Tufts,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Cunningham,
Kearney,

Messrs—

Lamb,
Strom,

Messrs—

Wallen.

Absent and not voting:

Messrs—

Beardsley,
Daily,
Erickson,

Messrs—

Fay,
Havrevold,
Horgan,

Messrs—

Oliver,
Peabody,
Thompson.

Mr. Strom explaining his vote.

Messrs. Beardsley and Peabody being excused.

So the bill passed and the title was agreed to.

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices Code, an act entitled "An act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same." approved February 15, A. D. 1877,

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

The question being upon the passage of the bill,

The roll being called there were ayes 55, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	McKendry,
Bjornson,	Gill,	Noltimer,
Brooke,	Graber,	Oliver,
Brown,	Haight,	Osgood,
Burke,	Hall,	Peterson,
Burton,	Hanson,	Richie,
Christianson,	Hill,	Satterlund,
Colosky,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daniel,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Larson,	Walton,
Ebbighausen,	Loomis,	White,
Erickson,	Loring,	Williams,
Farrah,	Lutz,	Yegen,
Fay,	McCulloch,	Mr. Speaker.
Fiske,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Havrevold,	Skinner,
Daily,	Peabody,	Watson.

Mr. Ward voting in the negative.

Messrs. Beardsley and Peabody being excused.

And the question being upon the title of the bill,

Mr. Strom moved

To amend the title to read as follows: "A bill for an act to amend Section 2 of Chapter 1." etc.,

Which motion prevailed, and

The title was so amended.

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the 26th day of August, A. D. 1890,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Bjornson,	Graber,	Osgood,
Brooke,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Hodgson,	Smith,
Colosky,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daniel,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Larson,	Walton,
Ebbighausen,	Loomis,	Ward,
Erickson,	Loring,	Watson,
Farah,	Lutz,	White,
Fay,	McCulloch,	Williams,
Fiske,	McKendry,	Yegen,
Foss,	Noltmier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Daily,	Peabody.
Cope,	Havrevold,	

Messrs. Beardsley and Peabody being excused.

So the bill passed and the title was agreed to.

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Noltmier,
Bjornson,	Gill,	Osgood,
Brooke,	Graber,	Richie,
Brown,	Haight,	Satterlund,
Burke,	Hall,	Skinner,
Burton,	Hanson,	Smith,
Christianson,	Hodgson,	Strom,
Colosky,	Holritz,	Thompson,
Cunningham,	Horgan,	Triplett,
Daniel,	Kearney,	Tufts,
Dennett,	Lamb,	Walton,
Douglas,	Loomis,	Ward,
Ebbighausen,	Loring,	Watson,
Erickson,	Lutz,	Williams,
Farah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Cope,
Daily,
Davis,
Foss,

Messrs—

Havrevold,
Hill,
Larson,
Oliver,

Messrs—

Peabody,
Peterson,
Wallen,
White.

Mr. Holte voting in the negative.

Messrs. Beardsley and Peabody being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 128,

A bill for an act prohibiting the mortgaging of real and personal property in the same mortgage instrument,

Was read the first and second times.

Mr. Brooke was excused for the remainder of the day.

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior and both branches of the National Congress at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on Fort Rice military reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Burke,
Burton,
Christianson,
Colosky,
Daniel,
Davis,
Dennett,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Gill,
Graber,
Haight,
Hall,

Messrs—

Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltmier,
Ohver,
Osgood,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Cunningham,	Foss,
Brooke,	Daily,	Havrevold,
Brown,	Douglas,	Peabody.
Cope,		

Messrs. Beardsley, Brooke and Peabody being excused.

So the bill passed and the title was agreed to.

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of an act entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the third time, and

Mr. Kearney moved

To lay the bill upon the table,

Which motion was lost.

Mr. Strom asked unanimous consent to amend the bill as follows: In line 5 of Section 1 strike out the words "an additional."

Objection made.

Mr. Gill moved

To refer the bill back to the committee from whence it came with instructions to so amend it that it can be understood by the common mind,

Which motion prevailed, and

The bill was recommitted.

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890.

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

The question being upon the passage of the bill,

The roll being called there were ayes 39, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hodgson,	Peterson,
Bjornson,	Holte,	Richie,
Burke,	Holritz,	Satterlund,
Burton,	Horgan,	Smith,
Christianson,	Lamb,	Strom,
Dennett,	Larson,	Thompson,
Erickson,	Loomis,	Triplett,
Fay,	Loring,	Tufts,
Foss,	Lutz,	Wallen,
Gill,	McCulloch,	Walton,
Graber,	Noltmier,	Watson,
Hanson,	Oliver,	Williams,
Hill,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Colosky,	Ebbighausen,	McKendry,
Cope,	Farrah,	Skinner,
Cunningham,	Fiske,	Ward,
Daily,	Haight,	Yegen.
Davis,	Kearney,	

Absent and not voting:

Beardsley,	Douglas,	Peabody,
Brooke,	Hall,	White.
Brown,	Havrevold,	
Daniel,		

Messrs Beardsley, Brooke and Peabody being excused.

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

Mr. Oliver (by unanimous consent) offered the following resolution, and moved its adoption:

Resolved, That the honorable Senate of the State of North Dakota be requested to indicate to the House of Representatives at what hour it will be convenient for that honorable body to receive messages from the House.

Which motion prevailed, and
The resolution was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes,

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

House Bill No. 168,

A bill for an act to provide for holding farmers' institutes.

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

House Bill No. 170,

A bill for an act to provide for procuring and using copies of pleadings and other papers in actions where the originals or copies belonging to either party are lost or destroyed and for entering judgment in cases where the defendant is in default and the original summons and complaint are lost or destroyed and cannot be reproduced,

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

House Bill No. 171,

A bill for an act to amend Chapter 87, Section 1, Session Laws

of 1890, being an act to amend Section 2 of Chapter 88, Session Laws of 1889,

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

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

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

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

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

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and providing penalties therefor, and for the repeal of Chapter — of Laws of 1885, and Chapter 112, Laws of 1885,

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

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

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

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts and providing for the practice and proceeding therein and providing for clerk hire therefor,

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

House Bill No 178,

A bill for an act to protect the cheese industry of North Dakota, Was read the second time, and referred to the Committee on Agriculture.

Substitute for House Bill No. 134,

A bill for an act entitled "An act to provide for a system of accounts for the State Auditor and State Treasurer,

Was read the first and second times.

Mr. Burton moved

That the rules be suspended and that House Bill No. 46 be now read the third time and placed upon its final passage.

Mr. Oliver moved

That House Bill No. 46 be referred to the Committee on Judiciary for correction.

Mr. Gill moved the previous question, and

The question being shall the main question be now put,

The previous question was not ordered.

Mr. Lutz moved as a substitute that the bill be recommitted to the Committee on State Affairs,

Which motion prevailed. and

The bill was recommitted.

Mr. Tufts moved

That the House take a recess of fifteen minutes,

Which motion was lost.

FIRST READING OF SENATE BILLS.

Senate Bill No. 37,

A bill for an act in relation to the collection of personal property taxes for the year 1890,

Was read the first time.

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers,

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

The question being upon the passage of the bill,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brown,
Christianson,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Fay,
Fiske,
Foss,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Oliver.

Messrs—

Osgood,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Cope,	Noltmier,
Brooke,	Erickson,	Peabody,
Burke,	Farrah,	Peterson,
Burton,	Havrevold,	Triplett,
Colosky,	Loomis,	Watson.

Messrs. Beardsley, Brooke and Peabody being excused.

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

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales,

Was read the third time, and

Mr. Fay asked unanimous consent to amend the bill as follows:

At the close of Section 5 add: ".....
County Auditor,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 47, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Gill,	Noltmier,
Brown,	Graber,	Osgood,
Burke,	Haight,	Peterson,
Burton,	Hall,	Richie,
Christianson,	Hill,	Satterlund,
Colosky,	Hodgson,	Skinner,
Cope,	Holte,	Smith,
Cunningham,	Holritz,	Strom,
Daily,	Horgan,	Thompson,
Daniel,	Kearney,	Triplett,
Davis,	Lamb,	Tufts,
Dennett,	Larson,	Walton,
Ebbighausen,	Loomis,	Watson,
Erickson,	Loring,	Yegen,
Fay,	McCulloch,	Mr. Speaker.
Fiske,	McKendry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	White,
Douglas,	Ward,	Williams.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Havrevold,	Peabody,
Brooke,	Lutz,	Wallen.
Farrah,	Oliver,	

Messrs. Beardsley, Brooke and Peabody being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes.

Was read the third time and placed upon its final passage,
The question being upon the passage of the bill as amended,
The roll being called, there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Bjornson,	Graber,	Osgood,
Brown,	Haight,	Peterson,
Burke,	Hall,	Richie,
Burton,	Hanson,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Cope,	Holte,	Thompson,
Cunningham,	Holritz,	Triplett,
Daily,	Horgan,	Tufts,
Daniel,	Kearney,	Wallen,
Davis,	Lamb,	Walton,
Dennett,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	White,
Fay,	Lutz,	Williams,
Fiske,	McCulloch,	Yegen,
Foss,	Noltimier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Farrah,	Peabody,
Brooke,	Havrevold,	Satterlund.
Erickson,	McKendry,	

Messrs. Beardsley, Brooke and Peabody being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Osgood,
Bjornson,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Hodgson,	Smith,
Colosky,	Holte,	Strom,
Cope,	Holritz,	Thompson,

Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Fay,
Fiske,
Gill,

Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltmier,
Oliver,

Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Brooke,

Messrs—

Farrah,
Foss,

Messrs—

Havrevold,
Peabody.

Messrs. Beardsley, Brooke and Peabody being excused.

So the bill passed and the title was agreed to.

Mr. Oliver moved

That the rules be suspended, and that House Bill No. 184 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and
House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

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

Mr. Colosky was excused until Monday.

Mr. Richie moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 13, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beardsley, Brooke and Colosky.

Messrs. Beardsley and Colosky being excused.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal report that they have examined the Journal of the thirty-eighth day and find the same to be correct.

W. H. DANIEL,
Chairman.

Mr. Speaker announced as the Committee to examine and correct the Journal of to-day Messrs. Walton, Ward and Watson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 13, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien.

Also,

Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor.

Also,

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Also,

Senate bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

Also,

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,

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

Also,

To inform you that the Senate has concurred in the House Concurrent Resolution instructing the Board of Trustees of the Insane Asylum of North Dakota to commence proceedings to collect the damages of said Asylum resulting from the non-fulfillment of a certain contract of Gray Bros.

Also,

That the Senate has passed the Joint Resolution memorializing Congress to furnish to the State of North Dakota 1,000 accoutrements for the 1,000 Springfield rifles donated.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds,

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

GEO. H. FAY,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State,

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

G. G. BEARDSLEY,
Chairman.

The Joint Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Joint Committee on Military Affairs to whom was referred

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Have had the same under consideration and recommend that the title of the bill be amended to read as follows:

A bill for an act to provide a military code for the State of North Dakota.

And that the bill be amended by striking out all after the enacting clause and inserting the following:

SECTION 1. WHO COMPOSE MILITIA.] All able-bodied male citizens residents of this State, being eighteen years of age and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the constitution and laws of the United States, as hereinafter prescribed.

SEC. 2. ASSESSOR MAKE LIST OF PERSONS.] It shall be the duty of the assessor of each of the counties of this State, when making the assessment of their respective counties, to make out a list containing the names of all persons in their respective counties liable to perform military duty, and file a copy of such list with the register of deeds in the county, to be by him kept as a matter of reference, and also to transmit to the Secretary of State a copy, to be by him kept as a matter of reference in his office, which copy shall be filed in the offices of the persons aforementioned on or before the first day of January in each year.

SEC. 3. WHEN AND HOW MILITIA CALLED INTO SERVICE.] The militia thus enrolled shall be subject to perform no active military duty, save and except in case of war, invasion, or to prevent invasion, riot or insurrection. In such case, the commander-in-chief is hereby authorized to order out, from time to time, for actual service, as many of the militia thus enrolled as necessity may require, and to provide for their organization in the manner hereinafter prescribed for the organization of volunteer militia; *Provided*, That in all such cases the organized volunteer militia shall first be ordered into service. The militia, while in active service, shall be governed by the military law of the State, and the rules and articles of war of the United States; and when any troops are in the field for the purposes aforesaid in this section, the senior ranking officer of the troops present shall take command; *Provided*, That no person shall be eligible to a command in the militia of

this State, except citizens of the United States or persons having declared their intention to become such.

SEC. 4. NORTH DAKOTA NATIONAL GUARD—HOW COMPOSED.] The organized militia of the State shall be known as the North Dakota National Guard, and shall consist of one regiment of infantry, one Adjutant-General's department, one Inspector and Judge Advocate department; one supply department; an engineer and ordnance department; a medical department, and such staff officers as may be necessary; *Provided*, That in the discretion of the Governor, a battalion of artillery and one or more troops of cavalry may be organized; *Provided further*, That only one company, battery or troop shall be organized in a county; *Provided further*, That this shall not affect existing organizations.

SEC. 5. GOVERNOR, COMMANDER-IN-CHIEF—BRIGADIER GENERAL MAY SELECT AIDES-DE-CAMP.] The Governor of the State shall be the commander-in-chief of the militia, and may appoint as many aides-de-camp as he may deem necessary who shall have the rank of colonel. He may at his discretion organize the North Dakota National Guard into a brigade, in which case he shall appoint a brigadier general to command the same. The brigadier general may select two aides-de-camp from the captains or lieutenants of the National Guard.

SEC. 6. COMMISSIONS—HOW ISSUED—TENOR OF.] All commissions shall be issued by the Governor, and no commissioned officer shall be removed from office except by sentence of court martial.

SEC. 7. HOW EQUIPPED AND ORGANIZED—MAY BE INCREASED—WHEN.] The troops of the line that may be uniformed and equipped may at the discretion of the Governor be organized into a brigade under the command of the brigadier general, or senior officer, but the commander-in-chief shall have power to change the brigade organization, and in case of riot, invasion, or other imminent danger beyond the control of the civil authorities, to increase the numerical strength of existing organizations, or form new brigades, regiments and companies, as the exigencies of the service may require.

SEC. 8. ARTILLERY BATTALION—WHAT TO CONSIST OF.] The battalion of artillery shall consist of two batteries of two guns each, one major, one assistant surgeon with the rank of captain, one adjutant and one commissary of supply, each with the rank of first lieutenant, one sergeant-major, one sergeant of supply, one hospital sergeant and one chief trumpeter; *Provided*, That two batteries are organized.

SEC. 9. ARTILLERY BATTERY—WHAT TO CONSIST OF.] Each battery of artillery shall consist of two guns with one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, four corporals, two musicians, two teamsters, not less than twenty nor more than forty privates, except as the commander-in-chief may direct; *Provided*, That two troops are organized.

SEC. 10. CAVALRY BATTALION—WHAT TO CONSIST OF.] The battalion of cavalry shall consist of two troops, one major, one assistant surgeon with rank of captain, one adjutant and one commissary of supply, each with rank of first lieutenant, one sergeant-major, one hospital sergeant and one chief trumpeter.

SEC. 11. CAVALRY TROOP—WHAT TO CONSIST OF.] Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, four corporals, two musicians, one farrier, one saddler, two teamsters, and not less than twenty nor more than forty privates, except as the commander-in-chief may direct.

SEC. 12. INFANTRY REGIMENTS—WHAT TO CONSIST OF.] Each regiment of infantry shall consist of ten companies, one colonel, one lieutenant colonel, one major, one surgeon with rank of major, one adjutant, one commissary of supply, one assistant surgeon, and one chaplain, each with rank of captain, one sergeant major, one sergeant of supply, one hospital sergeant, one chief musician, one principal musician, one drum major, two color sergeants, and not more than twenty musicians. *Provided*, That in the discretion of the Governor the number of companies may be increased to twelve (12), and that

the number of majors may be increased to three (3) in case there shall be a twelfth company organization.

SEC. 13. INFANTRY COMPANY—WHAT TO CONSIST OF.] Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, four corporals, two musicians, and not less than twenty nor more than forty privates, except as the commander-in-chief may direct.

SEC. 14. COMMANDER-IN-CHIEF MAY DISCHARGE OR CONSOLIDATE—WHEN.] Whenever any troop, battery or company shall have less than the minimum number of privates fixed for each organization, the commander-in-chief may at his discretion discharge or consolidate such organizations, and all officers and men honorably discharged under the provisions of this section shall have given them a certificate of discharge, showing length of service, which time shall be credited to them in case of re-entering the service.

SEC. 15. WHO MAY ENLIST IN THE NORTH DAKOTA NATIONAL GUARD.] Able bodied men of good character and proper age may be enlisted in the National Guard for a term of three years, and after the expiration of first enlistment they may re-enlist at any time thereafter for terms of one or more years, at their option. And any person having an honorable discharge from the regular or volunteer service of the United States, or militia of this State may on enlisting in the National Guard be credited with length of service as shown by such discharge, but no person over forty-five years of age shall be re-enlisted except with the approval of the surgeon, and no enlisted man shall leave one organization to join another unless he shall be duly transferred.

SEC. 16. ENLISTED MEN ENTITLED TO DISCHARGE—WHEN.] Every officer and enlisted men shall be held as in the service until properly discharged; and every enlisted man shall be entitled to and receive his discharge and certificate of service on the expiration of his term of enlistment from his immediate commanding officer.

SEC. 17. OFFICERS AND MEN MAY BE TRANSFERRED—WHEN—DISCHARGED—WHEN.] Officers and men moving from one location to another in the State may be transferred from one organization to another on application to the adjutant general, approved by their respective commanding officers. Any member of the guard moving permanently out of the State or the vicinity of the station of the organization to which he belongs, may be discharged and certificate of service furnished upon his own application, but any member of the National Guard who may move away from the vicinity of his company or other permanent headquarters, or absent himself from all duty for six months, shall, unless proper explanation is accepted by his immediate commanding officer, be dropped from the rolls without discharge or certificate of service.

SEC. 18. ADJUTANT GENERAL DEPARTMENT.] The adjutant general's department shall consist of one adjutant general with the rank of brigadier-general.

SEC. 19. DUTIES OF ADJUTANT GENERAL.] The adjutant general shall keep a register of all the officers and enlisted men of the military forces of the State; he shall make a full report on or before the first day of December in each year to the commander-in-chief upon the condition of the National Guard, and a detailed statement of all duty performed by them during the preceding year; he shall publish from time to time, as may be necessary, at the expense of the State, all laws, rules, regulations and orders relating to the military forces thereof, and distribute one copy to each commissioned officer and organization of the National Guard, and to such officers of the State as may be affected thereby; he shall cause to be prepared and issue all blanks, books, forms, and notices required for his office, or for the use of the National Guard, and all books and forms so furnished shall be the property of the State. The established seal of the office shall be transferred to his successor in office, and all copies of papers or records in his office, duly certified and authenticated under the said seal, shall be evidence in all cases in like manner as if the originals were produced. And on the certificate of the adjutant-general the Auditor is hereby directed to draw his warrant on the Treasurer

of the State, to be paid from the general fund, for the expenses incurred in carrying out the provisions of this section.

SEC. 20. ADDITIONAL DUTIES.] The adjutant general shall, in addition to his other duties, organize and conduct a "Bureau of Pensions" for the purpose of assisting ex-soldiers or sailors, residents of the State, who may apply for pensions for wounds or disability incurred in the service of the United States, in establishing their claims, without fee or commissions. The salary of the adjutant general shall be ten hundred dollars annually, which, with the necessary expenses incurred in conducting the bureau of pensions, office and clerk hire, furniture, fuel, lights, postage and stationery, not to exceed five hundred dollars per annum, shall be paid from the general fund by warrant drawn by the Auditor on the Treasurer of the State, on the order of the Governor.

SEC. 21. INSPECTOR AND JUDGE ADVOCATE GENERAL'S DEPARTMENT.] The inspector and judge advocate's departments shall consist of one inspector and judge advocate general, with the rank of colonel. He shall inspect each company, troop and department of the North Dakota National Guard at least once a year. He shall examine all officers as to their qualifications and fitness to fill the position to which they may have been elected or appointed, and all officers of the North Dakota National Guard shall hereafter, before being commissioned by the Governor, have a certificate from the inspector and judge advocate general that said officer has passed a satisfactory examination, and is qualified and fit to fill the position to which he has been elected or appointed; *Provided*, That such examination shall not be deemed necessary in cases of officers appointed on the staff of the commander-in-chief, or on the regimental staff. He shall make a full report on or before the first day of December in each year to the commander-in-chief upon the efficiency, discipline and general condition of each organization. He shall also perform such duties as judge advocate general as the commander-in-chief may direct. The inspector and judge advocate general shall receive actual expenses and the sum of five (5) dollars for every day actually on duty, and on the voucher of this officer, approved by the adjutant general and Governor, the Auditor is hereby directed to draw a warrant on the Treasurer of the State, to be paid from the general fund; *Provided*, That the sum so paid shall not for each year exceed five hundred (500) dollars.

SEC. 22. SUPPLY DEPARTMENT.] The supply department shall consist of one chief of supply with rank of colonel and two assistant (commissary of supply) with rank of major. The assistants shall be assigned to appropriate duties with the brigade.

SEC. 23. CHIEF OF SUPPLY—GIVES BOND—DUTIES OF.] The chief of supply shall give a bond to the State in the sum of ten thousand (10,000) dollars in the usual form with two sureties, each in the amount of the bond, to be approved by the commander-in-chief, for the faithful discharge of his duties. He shall keep a just and true account of all expenses necessarily incurred for the military service of the State, and said accounts shall be paid on the order and approval of the commander-in-chief. He shall purchase and distribute to the National Guard all military stores and supplies authorized by law, shall pay all incidental expenses of the service, including transportation, freight, express, postage and telegrams on public business, shall pay the officers and members of the National Guard, shall furnish clothing, rations, tools, camp and garrison equipment, make contracts for and pay the rent for offices, armories, store houses, camp grounds, and such other duties authorized by law, as he may be directed to perform by the orders of the commander-in-chief.

SEC. 24. ENGINEER AND ORDNANCE DEPARTMENT.] The engineer and ordnance department shall consist of one chief of engineers and ordnance, with rank of colonel, and one assistant with the rank of major.

SEC. 25. DUTY OF OFFICERS.] It shall be the duty of the officers of this department to provide arms, ammunition and equipments for the National Guard, to inspect buildings, lay out camps, be inspectors of rifle practice, and to perform such other service as the commander-in-chief may direct.

SEC. 26. MEDICAL DEPARTMENT.] The medical department shall consist

of one surgeon general with the rank of colonel, one medical purveyor with rank of lieutenant colonel, and one apothecary and storekeeper with rank of captain; but no person shall be appointed to this department or commissioned to similar duties in this line unless he shall be a graduate of some legally incorporated schools of medicine.

SEC. 27. DUTIES OF.] It shall be the duty of these officers, assisted by the medical officers of the line, to provide the necessary medical supplies, and care for the sick and wounded of the National Guard when on duty, and to perform such other service as the commander-in-chief may direct.

SEC. 28. GRADES BELOW THE RANK OF FIELD OFFICER TO BE FILLED BY ELECTION.] Every vacancy below the grade of field officer shall be filled by election, under such rules as the commander-in-chief may determine, and, in case of no election, he may appoint a suitable person to such office. The command-in-chief shall decide all appeals in election cases under this section, and order a new election in case he deem it necessary.

SEC. 29. RANK DETERMINED BY DATE OR ELECTION OF APPOINTMENT.] The respective rank of all officers shall be determined by the date of their election or appointment and the length of time of service, in the Dakota National Guard, as a commissioned officer of such rank; *Provided*, That in case of re-election or reappointment his rank shall be determined by date of first commission.

SEC. 30. COMMANDING OFFICERS APPOINT THEIR STAFF—HOW.] Commanding officers of regiments or battalions shall detail their staff officers from the officers or enlisted men of their command, and appoint the non-commissioned officers of the organization by warrants. Staff officers so detailed will be dropped from the company rolls and the vacancy filled by promotion or appointment.

SEC. 31. COMPANY, TROOP OR BATTERY COMMANDERS APPOINT NON-COMMISSIONED OFFICERS—HOW.] Company, troop or battery commanders shall appoint non-commissioned officers of their commands, and forward the same to regimental or battalion headquarters, where a warrant shall be issued for the same, signed by the commanding officer.

SEC. 32. OFFICERS TO TAKE AND SUBSCRIBE OATH.] Every officer, before entering upon the duties of his office, shall take and subscribe to an oath of allegiance to the United States and the Territory of Dakota, which oath, duly executed, shall be filed in the office of the adjutant general.

SEC. 33. RECRUITS TO SIGN ENLISTMENT PAPERS—WHAT TO CONTAIN.] Every person recruited for the National Guard shall sign enlistment papers in triplicate, which shall contain an oath of allegiance to the United States and to the State of North Dakota, and a resume of the duties to be performed. Said oath of allegiance shall be taken before the troop, battery, company or battalion commanders, and when duly executed one copy shall be forwarded to the adjutant general's office, one copy to the headquarters of the regiment or battalion, and the other copy filed with the official records of the organization to which the recruit is assigned.

SEC. 34. OFFICERS AND MEN MAY BE DISCHARGED—WHEN.] Officers and enlisted men of the National Guard may be discharged for physical or mental disability on the certificate of a surgeon, and under such rules and regulations as may be determined upon, but no honorable discharge shall be given any member of the National Guard until he shall produce a certificate from his immediate commanding officer that he has returned, or satisfactorily accounted for all the money or other property of the State or any organization of the National Guard issued to him or coming into his possession, and provided, no certificate of service shall include the time any member was absent from duty without leave, which time of absence shall in no case be allowed in computing length of service.

SEC. 35. DRILL, DISCIPLINE AND UNIFORM.] The drill, discipline and uniform of the National Guard shall be the same as that of the army of the United States; *Provided*, That nothing in this section shall be so construed as to require companies now uniformed to supply new uniforms in the place of those now worn, until such time as it shall become necessary to provide a

new uniform, which new uniform shall be the same as worn by the United States regular army. The regulations of the army, articles of war and acts of Congress of the United States shall be authority, and govern in all cases not provided for by the laws of the State, or regulations and orders of the commander-in-chief.

SEC. 36. COMMANDER-IN-CHIEF TO APPOINT BOARD OF OFFICERS TO CODIFY MILITARY LAW.] The commander-in-chief shall, as soon after the passage of this law as practicable, appoint a board of three officers to codify the laws, articles of war, rules, regulations and orders for the government of the National Guards, which codification, approved by the Governor, shall be published to the guard, and shall govern the same. The commander-in-chief may, however, from time to time, as he may deem expedient, change the rules and regulations, but such changes shall in no way conflict with the provisions of this act. The laws, rules, regulations and orders published and issued in this manner shall have the same force and effect as the provisions of this act.

MILITARY DUTY REQUIRED.

SEC. 37. ANNUAL ENCAMPMENT.] There shall be an annual encampment, inspection and muster of all organizations of the National Guard, for at least six consecutive days, at such time and place as the commander-in-chief shall order and direct. No person shall be mustered at such time or allowed to appear as a part of the National Guard, unless he shall be duly commissioned or enlisted in the same, nor any member who does not appear uniformed, armed and equipped as required by the provisions of this act. Any officer who, knowingly or willfully shall place or cause to be placed on such muster roll the name of any person not regularly or lawfully commissioned or enlisted, or the name of any man who is dead, or has been discharged, transferred, or dropped, or has lost his membership for any cause whatsoever, or one who has been convicted of a felony or has refused to do military duty for the six months immediately preceding the annual inspection, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than fifty, nor more than one hundred dollars, or he may be cashiered.

SEC. 38. WHAT REQUIRED OF EACH TROOP, BATTERY OR COMPANY DURING THE YEAR.] In addition to the annual muster and inspection, each troop, battery or company, shall be obliged to perform during the year not less than five drills, parades, musters, and inspections. There shall also be not less than six additional drills, at such times as the commanding officer may determine. Other exercises may be had as the members of such organization shall prescribe in their by-laws by resolution. Any officer or man absent from any compulsory drill or parade, shall be fined or punished as fixed by the regulations.

SEC. 39. POWERS OF COMMANDING OFFICER.] The commanding officer at any parade, drill, muster, or other rendezvous, may cause those under his command to perform any military duty he may require, and may place in arrest during the time of such meeting, and confine under guard if necessary any officer or enlisted man who shall disobey the orders of his superior officer or in any way interrupt the exercises, and may remove any other person or persons who shall trespass on the parade ground or armory, or in any way interrupt the orderly discharge of duty of those under arms. He shall prohibit and prevent the sale or use of all spirituous liquors, wine, ale, or beer within the limits of the encampment, parade grounds or armory, and such limits shall be prescribed in orders by the officer commanding the parade or encampment, and also all hucksters, auction sales, gambling or games of chance, may at his discretion be abated as nuisances.

SEC. 40. TARGET PRACTICE.] To accustom the troops to the use of their arms, target practice must be encouraged. The commander-in-chief shall order such practice as the allowance of ammunition will permit, and he shall offer suitable medals, badges or trophies, to be inscribed and given in the name of the State to the persons and organizations, who upon competition shall show their superior attainments as marksmen. The provisions of this

section shall be carried out under orders and regulations issued by the commander-in-chief; *Provided*, That not more than one hundred dollars shall be expended in any one year for the purchase of medals, badges, or trophies.

GENERAL PROVISIONS.

SEC. 41. OFFICERS AND MEN, HOW WARNED.] For the purpose of warning the officers, non-commissioned officers and other enlisted men for any parade, encampment or place of rendezvous, the commanding officer shall issue his orders, under his hand, to such number of non-commissioned officers as he may deem necessary, requiring them respectively to warn each and every person belonging to the organization to appear at the place of rendezvous, in compliance with the order. Each non-commissioned officer, to whom such order shall be directed shall warn every person whom he shall therein be required to warn, by reading the orders, or stating the substance thereof in the hearing of such person, or by leaving a notice thereof at his usual place of abode or business, as appears by the roster, with some person of suitable age and discretion or by sending the same to him by mail, directed to him at his residence or postoffice nearest thereto. The return of service made by such non-commissioned officer to his commanding officer, sworn to and certified, shall be good evidence on the trial of any person returned as delinquent. In cases of riot, tumult, breaches of the peace, and in aid of the civil authorities, a verbal warning or order shall be sufficient.

SEC. 42. WHEN MEMBER EXCUSED.] The officer ordering a rendezvous of his command may, upon good and sufficient grounds, excuse any member thereof from attendance at the same.

SEC. 43. POWER OF COMMANDER-IN-CHIEF IN CASE OF PUBLIC DISTURBANCE.] The commander-in-chief shall have power, in case of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the active service of the State any or all of the National Guard, militia or other military organizations of the State that he may deem proper, and no member thereof who shall be ordered out by proper authority for such duty shall be held answerable by any court, nor liable to civil prosecution for any act or acts done by them in discharge of their lawful military duty on such occasions; and in such cases the forces called into service shall receive the same pay and allowance as provided in section fifty-six of this act.

SEC. 44. SHERIFF OR MAYOR MAY CALL OUT TROOPS—WHEN.] In case of any breach of the peace, tumult, riot or resistance to process of this State, or such imminent danger thereof as will not admit of delay, it shall be lawful for any sheriff of any county, or the mayor of any city to call, in writing, under his hand and seal, for aid upon the commandant of the National Guard stationed therein or nearest thereto, and it shall be the duty of such commanding officer upon whom the call is made, to order out in aid of the civil authorities, such portion of his command, armed and equipped, as may be necessary to overcome the resistance and vindicate the supremacy of law, and he shall immediately report to the commander-in-chief all that has been done and the circumstances of the case, and the forces called into service by such orders shall receive the same pay and allowances as provided in section fifty-six of this act, and the amount of such pay and allowances shall be a portion of the county and city charges of said county or city from the State, to be levied and raised as other charges are levied and raised.

SEC. 45. MEMBER OF NATIONAL GUARD DEEMED DESERTER—WHEN.] Any member of the National Guard ordered into service under the provisions of the two preceding sections who does not appear at the time and place fixed by his commanding officer, or who does not produce a certificate from a physician in good standing of physical disability shall be deemed a deserter, and punished according to the rules and articles of war.

COURTS MARTIAL.

SEC. 46. ARTICLES OF WAR OF THE UNITED STATES ADOPTED—WHEN.] The articles of war governing the Army of the United States, so far as they

are practicable and not incompatible herewith, are hereby adopted for the government of the National Guard and Militia of this State with the following exceptions: The commander-in-chief is alone authorized to order general courts martial and courts of inquiry; battalion or other superior commanders may order garrison courts martial, which are authorized to try all offenders. The maximum number of members of these courts is fixed as follows: General courts, seven members; courts of inquiry and garrison courts martial, five members. Minimum number, general courts, five members, and courts of inquiry and garrison courts, three members each, as the exigencies of the case permit.

SEC. 47. FINES—HOW DISPOSED OF.] Fines of offenders under the preceding section may be paid to the court or to the treasurer of the organization to which the offender or offenders belong. All fines imposed and collected shall be deposited to the credit of the clothing and equipment fund of the organization to which the member paying the fine belongs, or if a staff officer to the general fund of the State. A receipt for money so deposited will be forwarded for file with the proceedings of the court in such case.

SEC. 48. COURTS MARTIAL MAY COMPEL THE ATTENDANCE OF WITNESSES—ADMINISTER OATHS, ETC.] Any court authorized by this act shall have the same power as other courts of the State to compel the attendance of witnesses through the senior officer or president of the court, and to administer oaths to such witnesses, who shall issue subpoenas for all witnesses that may be deemed necessary by the court. He may issue attachment for the witness, and all sheriffs, jailers, and constables are hereby required to execute any precept issued by such president or court for that purpose. The person attached for non-attendance shall pay the usual fees for such service, besides the penalty provided, unless he satisfies the court that his failure to attend was excusable. Every witness not appearing in obedience to such subpoena when duly served with a copy of the same, and not having a sufficient excuse shall forfeit to the people of this State a sum not less than one nor more than ten dollars, to be paid and credited as fines for similar offenses before other courts of the State.

SEC. 49. POWER TO PUNISH FOR CONTEMPT.] Any person or persons behaving in a disrespectful manner, or using any insulting language before any military court, or to a member thereof in open court, intending to disturb or impair the authority of such court, may be punished for contempt of court by confinement in the jail of the county in which the court sits, by warrant under the hand of the president of such court. The warrant shall be directed to the sheriff, or any or either of the constables or marshals of any such county, or the officer attending the court, and shall set forth the circumstances of the offense adjudged to have been committed, and shall command the officer to whom it is directed to take the body of such person and commit him to jail of the county, there to remain without bail and in close confinement, for a limited time, not to exceed three days, and until the officer's fees for committing, and the jailer's fee, be paid. Such sheriff shall obey the warrant and keep the person as directed, unless he is discharged by a judge of a court of record in same manner and under the same rule as in cases of imprisonment under process of contempt from a court of common law jurisdiction.

SEC. 50. SHERIFF OF COUNTY MARSHAL OF COURT.] A military court sitting in any county shall be attended by the sheriff of the same, or some suitable person designated by him who shall be the marshal of the court and perform the usual duties of such marshals, and execute any process lawfully issued by such court, and perform all acts and duties by this act imposed on, and authorized to be performed by any sheriff, marshal or constable, and the officer ordering the court shall furnish a copy of his order to the sheriff of the county where the court is directed to meet, which order shall be notice to the sheriff to appear, or designate some one as marshal of the court.

SEC. 51. CONVERSION OF MONEY BY MARSHAL—EMBEZZLEMENT—COMPENSATION OF MARSHAL.] To every marshal appointed to a military court, shall be paid two dollars for every day's attendance before the court, and actual necessary travelling expenses while engaged in serving subpoenas or executing

any process of the court, the same to be paid on the certificate of the president of the court as to number of days employed and other duties performed, and in like manner with other accounts of the State, but no marshal shall receive any fees from the person served, and any refusal or neglect on the part of the sheriff or marshal to execute any warrant herein required, or make return and pay over all the money collected as fines, shall subject the officer so offending to double the amount of such fines and penalties. The conversion to his own use of moneys so collected by any sheriff or marshal shall be deemed embezzlement, and punished as such in any court of the State having jurisdiction of such cases.

SEC. 52. FINES—HOW COLLECTED.] For the purpose of collecting fines imposed by courts marshal, the president of the courts shall within twenty days after the proceedings of the court have been approved, make a list of all the persons fined, describing them distinctly and showing the sums imposed on each person, and not paid. He shall then draw his official warrant directed to the sheriff of the county, or the marshal of the court, commanding him to levy such fine, together with the costs, on the goods and chattels of the delinquent, sale thereof to be made as provided by law, and no property shall be exempt from payment of such fines and penalties. In default of sufficient goods and chattels to satisfy the same, then such sheriff, marshal or constable shall take the body of such delinquent and confine him in the county jail, whose jailer shall keep such delinquent closely confined without bail or mainprize for two days for any fine or penalty not exceeding five dollars and one additional day for every dollar above that sum, unless the fine with the costs and jailer's fees be sooner paid; but no such imprisonment shall extend beyond ten days, and the officer ordering the court may remit the fines and penalties imposed.

SEC. 53. WHEN MEMBERS OF GUARD REFUSE OR NEGLECT TO PAY FINE.] Any member of the National Guard fined by a general or other court martial who shall neglect or refuse to pay such fine within twenty days after the same was imposed, may be published in orders by the officer ordering the court, and dishonorably dismissed from the service without allowance of time he has served and disqualified from serving in the National Guard for three years. For offences against the by-laws, rules and regulations of any organization any dues may be collected by court martial as provided in this act.

SEC. 54. ACTION AGAINST MEMBERS OF MILITARY COURT.] No action shall be maintained against any member of a military court on account of the imposition of a fine or penalty, or for the execution of a sentence on any person, if such person shall have been returned as delinquent, and duly summoned before such court, or shall have appeared before such court to answer the charges made against him.

SEC. 55. NO ACTION, WHEN.] When a suit or proceedings shall be commenced in any court by any person against any officer of the National Guard of this State for any act done by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under authority or order of such officer, or by virtue of any warrant issued by him pursuant to law, the judge advocate general, or some officer designated by the Governor shall appear for him, and the plaintiff in such suit may be required to file security for the payment of the costs that may be incurred by the defendant in such suit or proceedings. In case the plaintiff shall be non-suited, or have verdict or judgement rendered against him, the defendant shall recover treble costs and such attorney's fees as the court shall allow, which said fees shall in the first instance be paid by the State, and be refunded by defendant upon collection of the judgment.

SEC. 56. COMPENSATION OF OFFICERS AND MEN.] There shall be allowed and paid, as hereafter provided, to such officers and enlisted men as shall be ordered to attend annual encampments, in pursuance of the provisions of this act, the following sum each, for every day actually on duty, or going to and returning from the same, and the certificate of the officer ordering the duty shall be evidence of such service; that all officers and men ordered into actual service shall be paid double the amount paid at annual encampments.

To musicians, privates, and teamsters, seventy-five cents;
 To corporals, farriers, and saddlers, one dollar;
 To sergeants and drum-majors, one dollar and fifteen cents;
 To first sergeants, principal musicians and chief trumpeters, one dollar and twenty-five cents;
 To sergeant majors, sergeants of supply, hospital sergeants, and chief musicians, one dollar and fifty cents;
 To second lieutenants, one dollar and seventy-five cents;
 To first lieutenants, one dollar and seventy-five cents;
 To captains and company commanders, two dollars;
 To lieutenant colonels, majors, or battalion commanders, two dollars and twenty-five cents;
 To brigadier general and colonel, three dollars;
 To staff officers the same as officers of like grade in the line or field.

SEC. 57. MEMBERS OF GUARD TO PROVIDE HORSES—COMPENSATION FOR SAME.] All members of the National Guard that are required to be mounted shall provide for their own use a horse and horse equipments, but shall be allowed forage for the same when on duty, and be paid the sum of one dollar for each day such horse may be on duty in the service of the State, or as may be provided in this act. And the sums, authorized by this section, shall be paid by the chief of supply in such manner as the commander-in-chief may direct.

SEC. 58. COMPENSATION OF OFFICERS DETAILED ON COURTS OR UNDER ORDERS.] All officers detailed to serve on any board or commission ordered by the commander-in-chief, or on any court of inquiry, court martial or delinquency court ordered by the proper authority in pursuance of any provisions of this act, shall be paid their subsistence and actual traveling expenses, and for each and every day actually employed in said board or court or engaged in the business thereof or in traveling to and from the place of meeting of said board or court, a sum equal to one day's pay for field duty.

SEC. 59. COMPENSATION OF OFFICERS AND MEN ON DUTY.] All officers and enlisted men of the National Guard while on duty in camp, or assembled pursuant to the order of the commander-in-chief, or the sheriff of any county, or the mayor of any city, shall receive the compensation provided in section fifty-six of this act, and also their subsistence in kind, or commutation thereof, and their transportation or mileage. The rates of commutation or mileage, to be fixed by order of the commander-in-chief.

SEC. 60. CLOTHING AND EQUIPMENT FUND—HOW CONSTITUTED.] On the certificate of the adjutant general each regimental headquarters, staff and band, battalion and staff, troop, battery or company shall be allowed annually a sum equal to seven dollars for each of its officers and men present for duty, based upon the per centage present for duty, for the year at the five compulsory parades required in section thirty-eight of this act, and the annual muster and inspection, which per centage shall be certified to by the adjutant general, which sums together with fines and penalties collected from delinquent officers and men, shall constitute the clothing and equipment fund of such organization and the clothing and equipment purchased with this fund shall be the property of the State.

SEC. 61. TRANSPORTATION.] The officers and members of the National Guard shall be allowed free transportation for themselves, their horses and equipments and the property of the State, going to and returning from any service authorized or directed by law, their subsistence in kind or commutation therefor and their quarters, tents and camp equipments, and the chief of supply and the officers of his department will at all times be prepared to furnish these things as may be required by orders of the commander-in-chief.

SEC. 62. PROPERTY EXEMPT FROM TAXATION.] All property belonging to any organization of the North Dakota National Guard shall be exempt from taxation, or assessment for any purpose whatever, and in case any such organization shall erect or purchase an armory or assembly room, the annual rent of the same authorized in section twenty-two of this act may be paid into the treasury of such organization.

SEC. 63. ARMORY RENT—HOW PAID.] The commanding officer of each company, troop, or battery, and the treasurer of each regimental band, shall provide suitable room or rooms at a convenient place in the town where each organization is located or stationed with the necessary furniture, fuel, lights, drawers, lockers, closets, and gun racks, for an armory, assembly and drill room for such organization, and said room or rooms shall be under the exclusive control of the commanding officer. There shall be an annual appropriation of three hundred dollars from the militia fund for the rent and furnishing of such armory or band quarters of each organization of the National Guard, to be paid by the State.

SEC. 64. NATIONAL GUARD EXEMPT FROM JURY DUTY AND POLL TAX.] Every member of the North Dakota National Guard shall be exempt from jury duty and from the payment of poll tax.

SEC. 65. MEMBERS OF NATIONAL GUARD EXEMPT FROM ARREST ON CIVIL PROCESS WHILE ON DUTY—HAVE RIGHT OF WAY ON HIGHWAY.] No person belonging to the military forces shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty. Any portion of the National Guard, performing any duty, according to law, shall have the right of way in any street or highway through which they may pass; *Provided*, the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire engines and fire departments, shall not be interfered with thereby.

SEC. 66. OFFICERS TO REPORT—WHEN.] Every officer who receives arms, accoutrements, clothing, camp equipage, rations or stores of any kind for the use of his command, or for issue to troops, shall render the chief of the department furnishing the same a report or return of such supplies, according to the forms which may be prescribed, and such reports shall be furnished when called for, but not oftener than once in two months.

SEC. 67. MILITARY OUTFITS OR SUPPLIES CANNOT BE SOLD OR GIVEN AWAY.] The clothing, arms, military outfits, accoutrements and stores furnished by the State to the National Guard shall not be sold, bartered, exchanged, pledged, loaned or given away and the possession of any such property by any person not a member of the Guard shall be prima facie evidence of such sale, barter, exchange, pledge, loan or theft. Such property may be seized and taken from any person not authorized to keep the same, by any officer, soldier, civil or military, of the State, and shall thereupon be delivered unto any officer of the State authorized to receive the same.

SEC. 68. LOST OR STOLEN PROPERTY—HOW VALUED.] All property of the State that may be lost, stolen, damaged or destroyed in the military service, shall be acted upon by a disinterested inspector or officer, detailed as such, who shall make full investigation and report of all the facts and circumstances of the case, and if any person is found or deemed responsible for the loss or damage of the property beyond reasonable wear and tear of the services, the inspector shall assess and fix a reasonable value on the property lost, damaged or destroyed, and such person shall pay the sum so assessed into the treasury of the State. And in event of such person's failure or neglect to reimburse the State, suit may be entered in the name of the State in any court of competent jurisdiction for the recovery of the same under such regulations as the Governor shall prescribe.

SEC. 69. All acts and parts of acts conflicting with the provisions of this act are hereby repealed, and this act shall be known, entitled and referred to as the Military Code of the State of North Dakota, and shall take effect on and after its passage and approval.

SEC. 70. An emergency exists, in this that the militia laws of the State are now in a confused condition; and it is important that there should be a complete military code established; therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

JOHN BIDLAKE,
Chairman Senate Committee.
W. H. BROWN,
Chairman House Committee.

The Committee on Military made the following report:

MR. SPEAKER:

Your Committee on Military to whom was referred
Senate Bill No. 78,
A joint memorial to the Congress of the United States,
Have had the same under consideration and recommend that
the same do pass.

WM. H. BROWN,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 163,
A bill for an act requiring all railroads, corporations, com-
panies and persons operating a railroad and doing business in
North Dakota to equip all their engines and cars with proper,
efficient and safe automatic couplers and brakes, and for prescrib-
ing penalties for failure thereof,
Have had the same under consideration, and recommend that
the same do not pass.

Also,

House Bill No. 146,
A bill for an act requiring all railroads, corporations, com-
panies and persons operating a railroad and doing business in
North Dakota to equip all their engines and cars with proper,
efficient and safe automatic couplers and brakes and for prescrib-
ing penalties for failure thereof,

And recommend that the same do not pass.

Also,

House Bill No. 131,
A bill for an act, fixing the maximum rate to be charged by
railroad companies for the transportation of passengers within
this State,

And recommend that the same be amended as follows:

Strike out the words and figure "three (3) cents per mile," and insert the
words and figures "two and one-half (2½) cents per mile" in Section 1 of said
bill.

And when so amended recommend that the same do pass.

Also,

House Bill No. 40,
A bill for an act preventing the setting of fires by railroads
operated by steam power.

Also,

House Bill No. 42,

A bill for an act requiring railroad companies to destroy combustible matter along their right of way,

And recommend that said bills be referred to Joint Committee on Prairie Fires.

A. N. FOSS,
Chairman.

Mr. Foss moved

To adopt the report of the Committee on Railroads on House Bills Nos. 40 and 42,

Which motion prevailed, and

The report was adopted.

The Joint Committee on Penal Institutions made the following report:

MR. SPEAKER:

Your Joint Committee on Penal Institutions to whom was referred

Senate Bill No. 19,

A bill for an act for paroling prisoners,

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

JOSEPH MILLER,
Chairman Senate Committee.

W. O. WARD,
Chairman House Committee.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

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

GEO. H. FAY,
Chairman.

Mr. Skinner moved

To adopt the report,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in

conformity with this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1889 and to amend Sections 622, 523 and 633 of the Code of Civil Procedure,

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

Strike out Section 3 of the bill and number Sections 4, 5, 6 and 7 respectively 3, 4, 5 and 6.

And when so amended recommend that the bill be reported back to the House without further recommendation.

Also,

House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, Chapter 152 of Laws of 1890,"

And report the bill back to the House with the following substitute bill:

A BILL

For An Act to Amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, Entitled "An Act Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein, and to Repeal Section 12 of the same act."

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

SECTION 1. That Section 11 of Chapter 152 of the Session Laws of 1890 be amended to read as follows:

Sec. 11. Upon filing the contracts provided for in Section 10, the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving seed grain to the amount of the sum then due the county upon said contracts, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise; and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid. For the purpose of enforcing such lien the states attorney may proceed to foreclose said lien in the name of the county commissioners in the same manner that chattel mortgages are foreclosed as provided by law, when requested so to do by said county commissioners.

SEC. 2. That Section 13 of Chapter 152 be amended to read as follows:

Sec. 13. PENALTY.] Any person or persons who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed grain, or any part thereof, furnished by the county under this act, or shall use or dispose of said seed grain, or any part thereof, for any other purpose than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten (10) dollars, nor more than one hundred (100) dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all costs of prosecution, and whoever, under any of the provisions herein, shall be found guilty of false swearing shall be deemed to have committed perjury, and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the

county which shall have furnished the seed until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ for the purpose of harvesting and threshing the same to pay the debt aforesaid, shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing said seed.

SEC. 4. That Section 12 of Chapter 152 of the Session Laws of 1890 is hereby repealed.

SEC. 5. Whereas, an emergency exists, in that there is no provision for the foreclosure of seed liens by the boards of county commissioners, where the counties have furnished seed grain; therefore, this act shall take effect and be in force from and after its passage and approval.

And recommend that the substitute bill do pass.

Also,

House Bill No. 135,

A bill for an act to amend an act entitled "An act to amend Chapter 48 of the Session Laws of 1889 entitled 'An act to amend Section 103 of Chapter 28 of the Political Code relating to publication of receipts and disbursements of county treasurers,'" "

And recommend that the title of the bill be amended by adding after the word "treasurers" the following: "Chapter 131, Session Laws of 1890."

Committee report the bill back to the House with the following substitute, with the recommendation that the substitute bill do pass.

That Section 1 of Chapter 131 of the Laws of 1890 be amended to read as follows:

SECTION 1. That Section 103 of Chapter 28 of the Political Code be and is hereby amended to read as follows: The county auditor and county treasurer conjointly shall make out semi-annually a detailed exhibit under oath, showing the receipts and disbursements of the county for the preceding six months and also the assets and liabilities at the time of making out the same, said exhibit shall show the amount of all orders on the treasury issued during the six months next preceding, on what account, and also the liabilities of the county stated in detail, and the assets of every kind as near as may be, showing also the amounts of funds in the treasury at the time of making said exhibit, on what account paid in, the kind of funds and the place or places where said funds are deposited. Said exhibit shall be made out semi-annually and posted up in the office of the treasurer on the first day of January and July of each year, and said statement shall also be published within ten days thereafter in any official newspaper of said county; *Provided*, That where one of the official newspapers of the county publishes both a daily and a weekly edition, such statements shall be published in both editions of said paper; *Provided*, The expense of publishing said statements in both editions of said newspaper shall be no greater than if published in a single edition only; *Provided*, That the first statement that is to be published and posted under said act shall be so posted and published the first day of July, 1891, and semi-annually thereafter as hereinbefore provided.

SEC. 2. This act shall apply to and govern all counties in this State, whether operating under general or special laws.

Also,

House Bill No. 149,

A bill for an act abolishing the office of county justices of the peace and county constables in counties under township organization,

And recommend that the same do not pass.

Also,

House Bill No. 151,

A bill for an act to make the notes and transcripts of official stenographers of the same force and effect as depositions,

And report the bill back to the House with the following substitute bill:

SUBSTITUTE FOR HOUSE BILL No. 151.

SECTION 1. The transcript of any testimony, taken by the official shorthand reporter, in any action or proceeding, when filed in the office of the clerk of the court, shall become a part of the records of said action or proceeding, and said transcript duly certified by the shorthand reporter of said court, shall be admissible and may be read in evidence in any stage of the same action or proceeding or in any other action or proceeding upon the same matter, between the parties, or in any action or proceeding in which the same are material and competent to the issue therein, and said transcript shall have the same force and effect as depositions and subject to the same objections, so far as applicable; and when the shorthand reporter, taking the notes in any action or proceeding in court has ceased to be the official shorthand reporter of that court, a transcript by him made from the original notes and duly certified by him under oath, as a full, true and complete transcript of said notes shall have the same force and effect as though certified in the same manner by the official reporter of said court.

And recommend that said substitute do pass.

GEO. H. FAY,
Chairman.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

And recommend that the same be amended as follows:

Strike out the word "to" where it occurs the first time in line 7, Section 1, of printed bill.

Add the word "act" after the word "this" in line 15 of printed bill.

Add after the word "causes" in line 30, printed bill, the following:

"And the Commissioners of Railroads shall take action upon the complaint within fifteen days after the receipt of same, and shall serve notice of said date of action and cite all parties interested to a hearing before the board."

Add after the word "law" in line 32, printed bill, the following:

"In case of appeal, all proceedings of the Commissioners of Railroads shall be accepted as *prima facie* evidence of the reasonableness and justice of the complaint brought before them."

Also, add after the figures "1890" in line 33, Section 2, printed bill, the following:

"An act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith."

And when so amended recommend that the same do pass.

Also,

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory,"

And recommend that the same do pass.

Also,

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota,

And recommend that the same be referred to General Orders.

GEO. H. FAY,
Chairman.

Mr. McKendry moved

To adopt the report of the Judiciary Committee on House Bill No. 182,

Which motion prevailed, and

The bill was referred to General Orders.

MOTIONS AND RESOLUTIONS.

Mr. Foss moved

That the vote by which House Bill No. 33 was passed be reconsidered,

Which motion prevailed.

Mr. Burton moved

That House Bill No. 33 be referred to the Committee on State Affairs for correction,

Which motion prevailed, and

The bill was so referred.

UNFINISHED BUSINESS.

The first reading of

House Bill No. 103,

A bill for an act to establish reasonable maximum rates of charges for the transportation of freight and property on the different railroads of this State,

Was resumed and

Mr. Williams moved

That the further consideration of House Bill No. 103 be indefinitely postponed.

Which motion was lost.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Gill moved

That the rules be suspended and the House pass to the introduction of bills,

Which motion prevailed.

Mr. Yegen introduced—

House Bill No. 190,

A bill for an act providing for the attendance of the county physician of each county upon all persons who may desire such attendance and who reside in such county or counties attached thereto for judicial purposes,

Which was read the first time.

Mr. White introduced—

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890: acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Which was read the first time.

Mr. Burton introduced—

House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An act indemnifying the owners of sheep in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs,

Which was read the first time.

Mr. Richie (by request) introduced—

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

Which was read the first time.

Mr. Larson introduced—

House Bill No. 194,

A bill for an act to amend Section 5136 of Chapter 13 of the Compiled Laws of the State of North Dakota,

Which was read the first time.

Mr. Gill introduced—

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

Which was read the first time.

Mr. McCulloch introduced—

House Bill No. 196,

A bill for an act providing for the extinction of real estate mortgage debts by foreclosure of real estate mortgage,

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota,

Which was read the first time.

Also,

House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

Which was read the first time.

Substitute for House Bill No. 135,

A bill for an act to provide for the publication of the reports of county treasurers and auditors,

Was read the first and second times.

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies,

Was read the first time

Mr. Speaker announced his signature to

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890, providing for the establishment, erection and operation of the North Dakota Agricultural College and Experimental Station at Fargo.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1877,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Burton introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION

Requesting the United States Senators, and United States Senator-elect, and the Representative, and the Representative-elect to Congress from North Dakota to endeavor to defeat the free coinage bill.

WHEREAS, There is now before Congress a measure, popularly known as "the free coinage bill," the aim of which is to create a fictitious and wholly artificial value for silver in the interests of a few millionaire silver miners and speculators, and believing, as we do, that this measure is inimical to the best interests of the people of the State of North Dakota, and believing also, that

any profit arising from any such measure should accrue to the whole people of the United States, rather than to a few millionaires; therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota, That our Senators and Senator-elect, our Representative and Representative-elect, be and the same are hereby instructed to vote against and use every honorable means to defeat said bill, and any and all similar bills, the tendency of which is a departure from a sound currency based on a gold standard.

Be it further Resolved, That we favor the ideas embodied in the measure known as the "Windom bill" in its original form.

Be it further Resolved, That copies of these resolutions be forwarded to our Senators and Senator-elect, also to our Representative and Representative-elect, at Washington.

Mr. Peabody moved

To lay the resolution upon the table,

Which motion prevailed, and

The resolution was laid upon the table.

Mr. Oliver moved

That the resolution be taken from the table and referred to the Committee on Banking,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 185,

A bill for an act to repeal Chapter 117 of the Laws of 1890,

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

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgements taken by registers of deeds and township clerks,

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

House Bill No. 188,

A bill for an act to provide for the assessment and taxation of railroads and railroad property in the State of North Dakota,

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

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies,

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

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State providing a penalty for refusal of information regarding the same,

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

House Bill No. 189,

A bill for an act providing for an appropriation to pay the ex-

penses incurred by the Governor of the State during the recent threatened Indian outbreak,

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

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Oliver (by unanimous consent) introduced—

House Bill No. 199,

A bill for an act to provide an appropriation for the necessary expenses of State officers when traveling in the interest of the State,

Which was read the first time.

Mr. Kearney was excused until Monday.

Mr. Oliver moved

That all members wishing to go home be excused until Monday and that at to-morrow's session the third reading of House and Senate bills be passed,

Which motion prevailed.

Mr. Gill moved

That all House bills read the first time to-day be also read the second time and referred to their appropriate committee,

Which motion prevailed, and

House Bill No. 190,

A bill for an act providing for the attendance of the county physician of each county upon all persons who may desire such attendance and who reside in such county or counties attached thereto for judicial purposes,

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

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Was read the second time, and referred to the Joint Committee on Educational Institutions.

House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An Act indemnifying the owners of sheep in case of damages by dogs and creating a fund to pay for the same by a tax on dogs,"

Was read the second time, and referred to the Committee on Sheep-Husbandry.

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

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

House Bill No. 194,

A bill for an act to amend Section 5136 of Chapter 13 of the Compiled Laws of the State of North Dakota,

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

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

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

House Bill No. 196,

A bill for an act providing for the extinction of real estate mortgage debts by foreclosure of real estate mortgage,

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

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota,

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

House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

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

House Bill No. 199,

A bill for an act to provide an appropriation for the necessary expenses of State officers when traveling in the interest of the State,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 13, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

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

C. C. BOWSFIELD,
Secretary.

Mr. Oliver moved

That the rules be suspended, and that Senate Bill No. 137 be now read the first and second times and referred to its appropriate committee,

Which motion prevailed, and
Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

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

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 128,

A bill for an act prohibiting the mortgaging of real and personal property in the same mortgage instrument,

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

The question being on the passage of the bill,

The roll being called there were ayes 55, nays 3.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Christianson,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
McCulloch,
McKendry,
Noltmier,
Oliver,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,

Messrs—

Loomis,

Messrs—

Osgood.

Absent and not voting:

Messrs—

Beardsley,
Brooke,

Messrs—

Colosky,

Messrs—

Lutz.

Messrs. Beardsley and Colosky being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 134,

A bill for an act entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer."

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

The question being upon the passage of the bill,

The roll being called there were ayes 58, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McKendry,
Noltimer,
Oliver,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,

Messrs—

Brooke,

Messrs—

Colosky.

Mr. McCulloch voting in the negative.

Messrs. Beardsley and Colosky being excused.

So the bill passed and the title was agreed to.

House Bill No. 115.

A bill for an act providing for a lien for the service of stallion or bull,

Was read the third time, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 13, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

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

C. C. BOWSFIELD,
Secretary.

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1887,

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Havrevold,	Peterson,
Bjornson,	Hill,	Richie,
Brown,	Hodson,	Satterlund,
Burke,	Holte,	Skinner,
Burton,	Holritz,	Smith,
Christianson,	Kearney,	Strom,
Cope,	Lamb,	Thompson,
Davis,	Larson,	Triplett,
Dennett,	Loomis,	Tufts,
Erickson,	Loring,	Wallen,
Farrah,	Lutz,	Walton,
Fay,	McCulloch,	Ward,
Fiske,	McKendry,	Watson,
Foss,	Noltmier,	White,
Gill,	Oliver,	Williams,
Graber,	Osgood,	Yegen,
Haight,	Peabody,	Mr. Speaker.
Hanson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cunningham,	Daniel,	Hall,
Daily,	Ebbighausen,	Horgan.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Colosky,	Douglas.
Brooke,		

Messrs. Beardsley and Colosky being excused.

So the bill passed and the title was agreed to.

FIRST READING OF SENATE BILLS.

The Senate Joint Resolution and Memorial to the Legislative Assembly of the State of Minnesota,

Was read the first time.

Mr. Strom moved

That the rules be suspended, and that the bill be read the second time,

Which motion prevailed, and

The Joint Resolution was read the second time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 37,

A bill for an act in relation to the collection of personal property taxes for the year 1890, *

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

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

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

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

THIRD READING OF SENATE BILLS.

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds,

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

The question being upon the passage of the bill,

The roll being called there were ayes 18, nays 38.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Bjornson,	Hall,	Triplett,
Brown,	Horgan,	Tufts,
Cope,	McKendry,	Walton,
Daily,	Oliver,	Ward,
Graber,	Satterlund,	Yegen,
Haight,	Skinner,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Gill,	McCulloch,
Burton,	Hanson,	Noltmier,

Messrs—

Christianson,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Foss,

Messrs—

Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Smith,
Strom,
Thompson,
Wallen,
Watson,
White.

Absent and not voting:

Messrs—

Axvig,
Beardsley,

Messrs—

Brooke,
Colosky,

Messrs—

Cunningham,
Williams.

Messrs. Beardsley and Colosky being excused.

So the bill was lost.

Mr. Noltimier moved

That the rules be suspended and that Senate Bill No. 141 be now read the first and second times and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

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

Senate Bill No. 19,

A bill for an act entitled "An Act for paroling prisoners,"
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,

The roll being called there were ayes 47, nays, 10.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Burke,
Christianson,
Cope,
Daniel,
Davis,
Dennett,
Erickson,
Farrah,
Fay,
Fiske,
Gill,
Haight,
Hall,
Havrevold,

Messrs—

Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,
Peabody.

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Walton,
Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Ebbighausen,	Loomis,
Burton,	Graber,	Wallen,
Cunningham,	Hanson,	White.
Daily,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Colosky,	Foss.
Brooke,	Douglas,	

Messrs. Beardsley and Colosky being excused.

So the bill passed and the title was agreed to.

The House returned to the third reading of House Bills, and House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the services of sires,

Was read the third time, and

Mr. Peabody moved

That the bill be recommitted for amendment,

Which motion prevailed, and

The bill was recommitted.

Mr. Brown (by unanimous consent) introduced—

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890,

Which was read the first and second times, and referred to the Committee on Railroads.

Messrs. Williams, Loring, Havrevold, Davis, Axvig and Peterson were excused until Tuesday.

Mr. Oliver moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 14, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beardsley, Brown, Colosky, Daily, Daniel, Davis, Douglas, Erickson, Gill, Haight, Hanson, Havrevold, Horgan, Kearney, Loomis, Loring, Lutz, Noltimier, Osgood, Peterson, Tufts, Wallen, Walton, Watson and Williams, who were excused.

The courtesies of the floor were extended to Messrs. F. A. Wardwell and M. C. Goodsill.

MR. SPEAKER:

I hereby give notice that I will on to-morrow or some future day introduce a bill to pay for the rent of the House Committee rooms and the necessary expenses therefor. Also, a bill to provide for the payment of the board to be appointed by the Governor to codify the State laws.

H. S. OLIVER.

Mr. Strom presented the following petition:

To the Honorable, the Senate and House of Representatives of the State of North Dakota:

The petition of the undersigned citizens of the county of Traill respectfully sets forths that they have learned that a bill is now before the two Houses of Assembly providing for the submission of an amendment repealing the prohibition clause of the Constitution, and believing such a measure to be against the will of a majority of the inhabitants of our State, respectfully remonstrate against its passage by your honorable body and that the present law be maintained.

C. T. FORTHUN,
And 15 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

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

A. N. Foss,
Chairman.

The Committee on Military made the following report:

MR. SPEAKER:

Your Committee on Military to whom was referred
House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes,

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

WM. C. BROWN,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

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

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

And recommend that the same do pass.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein,

And recommend that the same be amended as follows:

In Section 1, in line 1, strike out the words "a majority," and insert in lieu thereof the words "three fifths."

In Section 5 strike out the word "may," and insert in lieu thereof the word "shall."

In the same section strike out the words "or after."

And when so amended recommend that the same do pass.

FRED DENNETT,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

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

Also,

House Bill No. 161.

A bill for an act to amend Section 1395 of the Compiled Codes of this State, relating to vacancies in the office of county commissioners,

And recommend that the same do not pass.

Also,

House Bill No. 170,

A bill for an act to provide for procuring and using copies of pleadings and other papers in actions where the originals or copies belonging to either party are lost or destroyed and for entering judgment in cases where the defendant is in default and the original summons and complaint are lost or destroyed and cannot be reproduced,

And recommend that the same do not pass.

Also,

House Bill No. 171,

A bill for an act to amend Chapter 87, Section 1, Session Laws of 1890, being an act to amend Section 2 of Chapter 88, Session Laws of 1889,

And recommend that the same do not pass.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and providing penalties therefor, and for the repeal of Chapter — of Laws of 1885, and Chapter 102, Laws of 1890,

And recommend that the same be amended as follows:

Strike out of line 5, Section 4 of printed bill, the word "county" and insert in lieu thereof the word "State's."

Amend the title to read as follows:

"A bill for an act for the destruction of noxious weeds and prescribing penalties therefor, and for the repeal of an act, entitled 'An act to prevent the spread of noxious weeds in the Territory of Dakota,' General Laws of 1885, Supplement, Dakota Territory, and an act, entitled 'An act to amend Section 1, General Laws, 1885, Supplement,' relating to noxious weeds, Chapter 102, Session Laws of 1890."

And that Section 5 be amended to read as follows:

"Sec. 5. That an act entitled 'An act to prevent the spread of noxious weeds in the Territory of Dakota, General Laws of 1885, Supplement,' and Chapter 102, Session Laws of 1890, relating to noxious weeds, be and the same is hereby repealed.

And when so amended recommend that the same do pass.

GEO. H. FAY,
Chairman.

Mr. Oliver moved

To adopt the report of the Committee on Judiciary on House Bill No. 175,

Which motion prevailed, and
The report was adopted.

Mr. Oliver moved

That the House do now take a recess of 10 minutes,
Which motion prevailed, and
The House took a recess.

House reassembled.

Mr. Strom moved

That rule 57 be suspended for this afternoon,
Which motion was lost.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

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

Also,

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgements taken by registers of deeds and township clerks,

And recommend that the same do not pass.

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts and providing for the practice and proceeding therein and providing for clerk hire therefor,

And recommend that the same be amended as follows:

Amend Section 1 by striking out of line 1 the word "they" and inserting in lieu thereof the following: "That all county courts having increased jurisdiction are hereby vested with and."

Amend Section 11 by striking out of lines 3 and 4, printed bill, the words "by justices of the peace" and inserting in lieu thereof the words "in the district court."

Amend Section 12 by striking out of line 5, printed bill, the words "for cause."

Amend Section 13 by striking out of line 4, printed bill, the words and figures "six hundred (600)" and inserting in lieu thereof the words and figures four hundred (400)"

Further amend bill by striking out Section 14.

And when so amended recommend that the same do pass.

GEO. H. FAY,
Chairman.

Mr. Brooke moved

To adopt the report of the Committee on Judiciary on House Bill No. 177,

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Oliver moved

To reconsider the vote by which Senate Bill No. 31 was lost,

Which motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Skinner introduced—

House Bill No 201,

A bill for an act to encourage the sugar beet culture in the State of North Dakota, and providing an appropriation for experimenting on the manufacture of sugar from the same,

Which was read the first time.

Mr. Holritz introduced—

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Which was read the first time.

Mr. Ebbighausen introduced—

House Bill No. 203,

A bill for an act to regulate the practice of medicine in the State of North Dakota, to license physicians, surgeons, obstetricians, and to punish persons violating the provisions of this act, contained in Chapter 93 of the Laws of 1890,

Which was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 14, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders
may be committed to the penitentiary,

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

C. C. BOWSFIELD,
Secretary

FIRST READING OF SENATE BILLS.

Senate Bill No. 49,

A bill for an act relating to the sale of property under an exe-
cution, decree, mortgage or lien,

Was read the first time.

Senate Bill No. 97,

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

Was read the first time.

Senate bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial
district, subdividing the same and fixing the time for holding the
terms of the district court therein,

Was read the first time.

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91,
General Laws of 1890, relating to marriage license,

Was read the first time.

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter
146 of the General Laws of the year 1890, entitled "An act to pro-
vide for the leasing and sale of the common school lands of North
Dakota,"

Was read the first time.

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund
bonded indebtedness, and to transfer certain funds,

Was read the first time.

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders
may be committed to the Penitentiary,

Was read the first time.

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 14, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted the House amendment to

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes.

Also,

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

And have passed the bills as so amended.

C. C. BOWSFIELD,
Secretary.

UNFINISHED BUSINESS.

The first reading of

House Bill No. 103,

A bill for an act to establish reasonable maximum rates of charges for the transportation of freight and property on the different railroads of this State,

Was continued and completed.

Mr. Strom moved

That the bill be read the second time and referred to the Committee on Railroads,

Which motion prevailed, and

House Bill No. 103 was read the second time, and referred to the Committee on Railroads.

House Bill No. 126,

A bill for an act to regulate railroads and other common carriers in this State and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for transportation of passengers and

freights on railroads in this State and to prescribe a mode of procedure and rules of evidence in relation thereto.

Was read the first time, and

Mr. Hill moved

That the bill be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 126 was read the first and second times, and referred to the Committee on Railroads.

Mr. Speaker announced his signature to

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers,

Mr. Speaker appointed as the committee to revise and correct the Journal of the fortieth day, Messrs. Smith, Skinner and Satterlund.

Mr. Ebbighausen moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Daniel, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton.

All absent members were excused for the day.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fortieth day have examined the same, and find the body of the Journal to be correct, but after the first page find the caption to read "Journal of the Senate," which should be corrected to read "Journal of the House."

GEO. N. SMITH,
Chairman.

Mr. Graber moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Speaker continued the same Journal committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 16, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

Also,

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Also,

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

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

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

Have had the same under consideration and report the bill back to the House without recommendation.

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota,

And recommend that the same do pass.

Also,

House Bill No. 196,

A bill for an act providing for the extinction of real estate mortgage debts by foreclosure of real estate mortgage,

And recommend that the same be indefinitely postponed.

GEO. H. FAY,
Chairman.

Mr. Hill moved

To adopt the report of the Committee on Judiciary on House Bill No. 196,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 185,

A bill for an act to repeal Chapter 117 of the Laws of 1890,

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

Also,

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

And recommend that the same do pass.

Also,

House Bill No. 55,

A bill for an act to provide for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, county of Dickey, and State of North Dakota, agreeable to the provisions of the third sub-division of Section 126, of the Constitution of this State,

And recommend that the same be amended as follows:

Section 4 to read as follows:

Sec. 4. No building shall be erected or begun until a donation is received or funds raised from the lands belonging to said institution and until a site of not less than twenty acres is donated by the city of Ellendale or the residents in the vicinity thereof.

Also recommend that Section 8 be crossed out.

And when so amended recommend that the same do pass.

FRED DENNETT,
Chairman.

Mr. Richie moved

That the report of the Committee on State Affairs on House Bill No. 55 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. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Have had the same under consideration and recommend that the following substitute bill do pass:

FRED DENNETT,
Chairman.

A BILL

For An Act to Amend Chapter 46 of the Laws of 1890.

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

SECTION 1. That Section 2 of Chapter 46 of the Laws of 1890 be, and the same is hereby, amended to read as follows:

Sec. 2. It shall be the duty of all State, county and precinct officers to furnish upon the written request of the Commissioner all the information in their power necessary to assist in carrying out the objects of this act. For the purpose of obtaining statistics relating to manufactures and mining, the Commissioner shall procure, in the manner that may seem best to him, the names and addresses of all the manufacturers and mine owners and operators in the State, and shall transmit by mail to each owner, operator or manager of each shop, mill, manufacturing establishment or mine, not later than the 1st day of July of each year, suitable prepared blanks, embodying inquiries into the subjects upon which the Commissioner is required or authorized to prepare statistics, which blanks shall be filled out complete and returned to the Commissioner not later than the 1st day of August following. The information so obtained shall be preserved, systematized and tabulated by the Commissioner, but no information concerning the business or affairs of any individual, firm, company or corporation shall be divulged or in any manner made public by the Commissioner or any one in the employ of his office, and any violation of this provision shall subject the party violating to a fine of not more than five hundred (500) dollars or to imprisonment for not more than one year, or both such fine and imprisonment. The refusal or neglect of any such owner, operator or manager of any shop, mill, manufacturing establishment or mine to supply the information asked by the Commissioner within the time designated shall be construed as a violation of Section 3 of this act, and shall subject the party so offending to the penalties therein prescribed; *Provided*, That no prosecution shall be begun against such parties for such neglect or refusal until at least twenty days after a second notice and blank shall have been mailed them by the Commissioner. And not more than 2,500 copies of the printed report shall be furnished to the Commissioner for free distribution to the public.

Sec. 2. That Section 3 of said Chapter 46 of the Laws of 1890, be and the same is hereby amended to read as follows:

Sec. 3. Any person who willfully impedes or obstructs the Commissioner in the full and free performance of his duties shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (10) dollars nor more than fifty (50) dollars, or imprisonment not less than seven nor more than thirty days in the county jail or both. The refusal or neglect of any person for himself or for any person, firm, company or corporation of which he may be a

member or agent to furnish the information or statistical statement required under Chapter 15 of the Laws of 1889, to be furnished to assessors shall be construed to be a violation of the provisions of this section, and it is hereby made the duty of the county auditor to report such violations with the names and postoffice addresses and places of residence of the violators as furnished him by the assessors to the states attorney for the county in which such violations occur; and the said states attorney shall forthwith proceed to enforce the penalties provided in this section against such persons; and he is hereby authorized to subpoena the assessor and such other witnesses as may be necessary and to procure the assessors returns in evidence.

SEC. 3. That Section 10 of said Chapter 46 of the Laws of 1890 be and the same is hereby amended to read as follows:

Sec. 10. The Commissioner shall be the State Statistician; it shall be his duty to obtain from county and township assessors and other officers of the organized counties of the State and to collate and prepare in tabulated form for reference statistics showing county, township and other municipal indebtedness of all kinds, the assessed valuation of real and personal property, and he shall also ascertain the amount of mortgage indebtedness and assessed value of real property owned by citizens as distinguished from corporations; the acreage in wheat, corn and other kinds of grain; the number of cattle, horses, hogs and other live stock, and the population, vital statistics and all other information pertaining to and showing the condition, growth and development of the state by counties. The Commissioner of Agriculture and Labor may call upon the Attorney General for such assistance as to him may seem necessary in the preparation of such blanks as may be needed for procuring the statistics contemplated in this act; and it is hereby made the duty of the said Attorney General to render such assistance.

SEC. 4. That Section 11 of said Chapter 46 of the Laws of 1890 be and the same is hereby amended to read as follows:

Sec. 11. The Commissioner shall report to the Legislative Assembly the number of coal mines being operated within the State, the number of tons of coal being mined annually, the number of persons employed in coal mining, the wages paid the coal miners and the cost per ton to mine coal at the different mines. The Commissioner is hereby authorized to give out to the press of this or other States at any time such parts of any report in course of preparation as may be sufficiently completed to admit of publication or such information regarding the statistics of the State or any interest therein as may in his judgment be of interest or value to the people, the design being to furnish to the people through the press as fresh information regarding the State and its industries and condition as possible without awaiting the official publications through biennial or other reports.

SEC. 5. That whereas, an emergency exists in that it is necessary that the provisions of this act take effect long prior to the first day of July, 1891, in order that the work of the various officers and persons concerned may be performed for the year 1891, under the provisions hereof; therefore, this act shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

And recommend that the same do pass.

FRED DENNETT,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

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

By changing the item of maintenance from "\$16,500" to read "\$14,500 and salary of Superintendent \$2,000."

And when so amended recommend that the same do pass.

G. G. BEARDSLEY,
Chairman.

Mr. Richie moved

To adopt the report of the Committee on Appropriations on
Senate Bill No. 141,

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. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements,

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

Also,

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

And recommend that the same do pass.

Also,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

And recommend that the same do pass.

Also,

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

And recommend that the same do pass.

Also,

House Bill No. 189,

A bill for an act providing for an appropriation to pay the ex-

penses incurred by the Governor of the State during the recent threatened Indian outbreak,

And recommend that the same do pass.

Also,

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

And recommend that the same do pass.

Also,

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

And recommend that the same be amended as follows:

By changing the item "\$16,000" for fuel and light to read "\$20,000."

Also, by changing item "for supplies to engine room" from "\$600" to read "\$1,600."

And when so amended recommend that the same do pass.

G. G. BEARDSLEY,
Chairman.

Mr. Beardsley moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

Senate Bill No. 60,

A bill for an act appropriating money for the erection of a Soldiers' home at Lisbon, North Dakota, and for the contingent expenses incident thereto,

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

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred

Senate Bill No. 60,

A bill for an act appropriating money for the erection of a Soldiers' home at Lisbon, North Dakota, and for the contingent expenses incident thereto,

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

G. G. BEARDSLEY.

Mr. Oliver moved
 To adopt the majority report,
 Which motion prevailed, and
 The majority report was adopted.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
 Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An Act to regulate warehouses, inspection, weighing and handling of grain,"

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

G. G. BEARDSLEY,
 Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
 Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1889, being an act entitled "An act to regulate warehouses, inspection, weighing and handling of grain,"

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

G. G. BEARDSLEY,
 GEO. H. FAY.

The Committee on Appropriations made the following report:

MR. SPEAKER:

The undersigned, a minority of the members of the House Committee on Appropriations, beg leave to state that they have disagreed with the majority of the members of said Committee in their reports on Senate Bills Nos. 48, 59, 61, 72, 99 and 140 for the following reason, viz:

The financial condition of the State is such that any expenditure of the peoples money not absolutely required to carry on existing institutions, and paying the legitimate and necessary expenses of the State, and also save to the State the money donated to it by the general government is unwise, and contrary to good business principles and sound public policy.

All of which is respectfully submitted.

G. G. BEARDSLEY,
 GEO. H. FAY.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

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

By adding to end of Section 1 the following:

Provided, That no portion of this appropriation shall be available until a suitable site for the proposed building shall be donated for the use and benefit of such institution.

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

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

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. Thompson moved

To adopt the majority report,

Which motion prevailed, and

The majority report was adopted.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota, •

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

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

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

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. White moved
To adopt the majority report,
Which motion prevailed, and
The majority report was adopted.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

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

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

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

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. Holritz moved
To adopt the majority report,
Which motion prevailed, and
The majority report was adopted.

The Committee on Appropriations made the following majority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor.

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

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection
of buildings for the Deaf and Dumb Asylum at the city of Devils
Lake, and the purchase of a site therefor,

Have had the same under consideration, and the minority rec-
ommend that the same do not pass.

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. Burke moved

To adopt the majority report,
Which motion prevailed, and
The majority report was adopted.

The Committee on Appropriations made the following majority
report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection
of buildings for the North Dakota Academy of Science at Wahpe-
ton, N. D., and the contingent expenses incidental to the construc-
tion thereof,

Have had the same under consideration and a majority recom-
mend that the same do pass.

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred
Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection
of buildings for the North Dakota Academy of Science at Wahpe-
ton, N. D., and the contingent expenses incidental to the construc-
tion thereof,

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

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. McKendry moved

To adopt the report of the majority,
Which motion prevailed, and
The majority report was adopted.

The Committee on Appropriations made the following majority
report:

MR. SPEAKER:

Your Committee on Appropriation to whom was referred
House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

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

G. G. BEARDSLEY,
Chairman.

Also, the following minority report:

Your Committee on Appropriations to whom was referred House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

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

G. G. BEARDSLEY,
GEO. H. FAY.

Mr. Cope moved

To adopt the majority report,

Which motion prevailed, and

The majority report was adopted.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred House Bill No. 157,

A bill for an act to reimburse Prof. R. J. Babcock for expenses incurred in making investigations regarding the adaptability of of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

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

G. G. BEARDSLEY,
Chairman.

Mr. Daily moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

MOTIONS, RESOLUTIONS, ETC.

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

Resolved, That the Senate be respectfully requested to return to this House, House Bill No. 65 for correction.

Which motion prevailed, and
The resolution was adopted.

Mr. Burke moved

That the third reading and final passage of the appropriation bills be made a special order for 3 o'clock to-morrow afternoon, and that the bills be taken up in the order of their introduction.

Mr. Gill moved

To amend the motion by striking out the word "to-morrow" and inserting in lieu thereof the words "3rd day of March."

Mr. Fay moved as a substitute

That the appropriation bills be made a special order for Thursday at 2 o'clock p. m.; that the bills upon which there is no minority report be taken up in their numerical order and be first consideration,

Which motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Loomis introduced—

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

Which was read the first time.

Mr. Kearney (by request) introduced—

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the capital,

Which was read the first time.

Mr. Speaker called Mr. White to the Chair.

Mr. White (by request) introduced—

House Bill No. 207,

A bill for an act to amend Section 3 of an act of the Legislative Assembly of the State of North Dakota, approved December 19, 1889, and being Chapter 110 of the published laws of the State of North Dakota entitled "An act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Which was read the first time.

[Also (by request),

House Bill No. 206,

A bill for an act to repeal Section 2 of an act of the Legislative Assembly of the State of North Dakota, entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes," approved December 19, 1889,

Which was read the first time.

Mr. Oliver introduced—

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the seventeenth session of the Legislative Assembly of the Territory of Dakota,

Which was read the first time.

Substitute for House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act,"

Was read the first time.

House Bill No. 151,

A bill for an act to makes the notes and transcripts of official stenographers of the same force and effect as depositions,

Was read the first time.

Substitute for House Bill 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Was read the first time.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, an act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal.

Also,

House Bill No. 8,

A bill for an act to amend Section 2 of Chapter 1 of the Justice Code, an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same."

Also,

House Bill No. 166,

A joint memorial of the Senate and House of Representatives of the United States asking that the United States Military Wood reservation on Rock island (now a peninsula), Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

SECOND READING OF HOUSE BILLS.

House Bill No. 201,

A bill for an act to encourage the sugar beet culture in the State of North Dakota, and providing an appropriation for experimenting on the manufacture of sugar from the same,

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

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

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

House Bill No. 203,

A bill for an act to regulate the practice of medicine in the State of North Dakota, to license physicians, surgeons, obstetricians, and to punish persons violating the provisions of this act, contained in Chapter 93 of the Laws of 1890,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties,

Was read the third time and placed upon its final passage,
The question being upon the passage of the bill.

The roll being called there were ayes 45, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Beardsley,	Grabner,	Osgood,
Brooke,	Hall,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Colosky,	Holritz,	Tufts,
Cope,	Kearney,	Wallen,
Cunningham,	Lamb,	Ward,
Daily,	Larson,	Watson,
Dennett,	Loomis,	White,
Farrar,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Foss,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Fiske,	Peabody,
Daniel,	Haight,	Peterson,
Davis,	Havrevold,	Thompson,
Douglas,	Horgan,	Triplett,
Ebbighausen,	Loring,	Walton.
Erickson,	Noltimier,	

Messrs. Daniels, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peterson, Triplett and Walton being excused.

So the bill passed and the title was agreed to.

House Bill No. 170,

A bill for an act to provide for procuring and using copies of pleadings and other papers in actions where the originals or copies belonging to either party are lost or destroyed and for entering judgment in cases where the defendant is in default and the original summons and complaint are lost or destroyed and cannot be reproduced,

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

Mr. Fay moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 161,

A bill for an act to amend Section 1395 of the Compiled Codes of this State, relating to vacancies in the office of county commissioners,

Was read the third time, and

Mr. Strom moved

That the bill be recommitted,

Which motion was lost.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 171,

A bill for an act to amend Chapter 87, Section 1, Session Laws of 1890, being an act to amend Section 2 of Chapter 88, Session Laws of 1889,

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

The question being upon the final passage of the bill.

The roll being called, there were ayes 17, nays 29.

Those who voted in the affirmative were:

Messrs—

Axvig,
Dennett,
Gill,
Graber,
Hanson,
Hodgson,

Messrs—

Holte,
Loomis,
Osgood,
Richie,
Smith,
Strom,

Messrs—

Thompson,
Tufts,
Watson,
White,
Williams.

Those who voted in the negative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Burton,

Messrs—

Ebbighausen,
Farrah,
Fay,
Hall,
Hill,

Messrs—

McCulloch,
McKendry,
Oliver,
Satterlund,
Skinner,

Messrs—

Christianson,
Colosky,
Cope,
Cunningham,
Daily,

Messrs—

Holritz,
Kearney,
Lamb,
Larson,
Lutz,

Messrs—

Wallen,
Ward,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Daniel,
Davis,
Douglas,
Erickson,
Fiske,

Messrs—

Foss,
Haight,
Havrevold,
Horgan,
Loring,

Messrs—

Noltimier,
Peabody,
Peterson,
Triplett,
Walton.

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

And so the bill was lost; a majority of the members elect not voting therefor.

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgments taken by registers of deeds and township clerks,

Was read the third time, and

Mr. Brooke asked unanimous consent to amend the bill by including the words "notaries public" after the words "registers of deeds and township clerks,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 34, nays 11.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Daily,
Dennett,
Ebbighausen,

Messrs—

Farrah,
Foss,
Graber,
Hall,
Hanson,
Hill,
Hodgson,
Holritz,
Kearney,
Lamb,
Larson,

Messrs—

Loomis,
McCulloch,
Osgood,
Satterlund,
Skinner,
Strom,
Thompson,
Wallen,
Ward,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Bjornson,
Cunningham,
Fay,
Gill,

Messrs—

Holte,
Lutz,
McKendry,
Oliver,

Messrs—

Smith,
Tufts,
Watson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daniel,	Havrevold,	Richie,
Davis,	Horgan,	Triplett,
Douglas,	Loring,	Walton,
Erickson,	Noltimier,	White,
Fiske,	Peabody,	Williams.
Haight,	Peterson,	

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title of the bill was agreed to.

House Bill No. 149,

A bill for an act abolishing the office of county justices of the peace and county constables in counties under township organization,

Was read the third time, and

Mr. Cope moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

Was read the third time, and

Mr. Fay asked unanimous consent to amend the bill as follows:

After the word "used" in line 6, add the following: "*Provided*, Such seal shall not be less in size than one and one-half inches in diameter."

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended, The roll being called there were ayes 44, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Osgood,
Beardsley,	Hall,	Richie,
Bjornson,	Hanson,	Satterlund,
Brooke,	Hill,	Smith,
Brown,	Hodgson,	Strom,
Burke,	Holte,	Thompson,
Burton,	Holritz,	Tufts,
Christianson,	Kearney,	Wallen,
Colosky,	Lamb,	Ward,

Messrs—	Messrs—	Messrs—
Cope,	Larson,	Watson,
Cunningham,	Loomis,	White,
Dennett,	Lutz,	Williams,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.
Gill,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daniel,	Haight,	Peabody,
Davis,	Havrevold,	Peterson,
Douglas,	Horgan,	Skinner,
Erickson,	Loring,	Triplett,
Fiske,	Noltimier,	Walton.
Foss,		

Messrs. Daily and Ebbighausen voting in the negative,

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peterson, Peabody, Triplett and Walton being excused.

So the bill passed and the title was agreed to.

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 45, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Bjornson,	Graber,	Osgood,
Brooke,	Hall,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Colosky,	Holritz,	Thompson,
Cunningham,	Kearney,	Tufts,
Daily,	Lamb,	Wallen,
Dennett,	Larson,	Ward,
Ebbighausen,	Loomis,	White,
Farrah,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Foss,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Peabody,
Cope,	Haight,	Peterson,
Daniel,	Havrevold,	Triplett,
Davis,	Horgan,	Walton,
Douglas,	Loring,	Watson.
Erickson,	Noltimier,	

Messrs. Daily, Davis, Douglas, Erickson, Fiske, Haight, Havre-void, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

So the bill passed and the title was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

By unanimous consent—

House Bill No. 206

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

Also,

House Bill No. 207

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

FIRST READING OF SENATE BILLS.

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1861, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

Was read the first time, and

Mr. Loomis moved that the bill be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 146

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

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

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

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

Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

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

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,

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

Senate Bill No. 97,

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

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

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the Penitentiary,

Was read the second time, and referred to the Joint Committee on Penal Institutions.

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

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

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

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

THIRD READING OF SENATE BILLS.

The Senate Joint Resolution and Memorial to the Legislature of the State of Minnesota,

Was read the third time, and

Mr. Brown moved

To adopt the resolution and memorial,

Which motion prevailed, and

The resolution and memorial was adopted.

Senate Bill No. 78,

A joint memorial to the Congress of the United States,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 38, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Avvig,	Foss,	Osgood,
Beardsley,	Gill,	Richie,
Brooke,	Graber,	Skinner,
Brown,	Hall,	Smith,
Burke,	Hanson,	Strom,
Burton,	Hill,	Thompson,
Christianson,	Hodgson,	Tufts,
Colosky,	Holte,	Wallen,
Cope,	Holritz,	Ward,
Dennett,	Kearney,	Watson,
Ebbighausen,	Lamb,	Yegen,
Farrah,	Lutz,	Mr. Speaker.
Fay,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson.	Haight,	Oliver.
Cunningham,	Havrevold,	Peabody,
Daly,	Horgan,	Peterson,
Daniel,	Larson,	Satterlund,
Davis,	Loomis,	Triplett,
Douglas,	Loring,	Walton,
Erickson,	McCulloch,	White,
Fiske,	Noltimier,	Williams.

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

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

Mr. Oliver moved that

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds,

Be referred to the Committee on Judiciary,

Which motion prevailed, and

The bill was so referred.

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Was read the third time, and

Mr. Lutz moved

That further consideration of the bill be deferred temporarily, which motion prevailed.

Senate Bill No. 88.

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

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

The question being upon the passage of the bill,

The roll being called there were ayes 42, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Richie,
Beardsley,	Hanson,	Satterlund,
Bjornson,	Hill,	Skinner,
Brown,	Hodgson,	Smith,
Burke,	Holte,	Strom,
Burton,	Holritz,	Thompson.
Christianson,	Kearney,	Tufts,
Colosky,	Lamb,	Wallen,
Cunningham,	Larson,	Ward,
Daily,	Loomis,	Watson.
Dennett,	Lutz,	White,
Ebbighausen,	McCulloch,	Willhams,
Fay,	Oliver,	Yegen,
Graber,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Gill.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Foss,	Noltimier,
Daniel,	Haight,	Peabody,
Davis,	Havrevold,	Peterson,
Douglas,	Horgan,	Triplett,
Erickson,	Loring,	Walton.
Fiske,	McKendry,	

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Foss, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

So the bill passed and the title was agreed to.

Mr. Hall moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 25, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hanson,	Skinner,
Burke,	Hill,	Strom,
Christianson,	Kearney,	Thompson,
Cope,	Loomis,	Tufts,
Ebbighausen,	Lutz,	Ward,
Farrah,	Oliver,	Watson,
Fay,	Osgood,	White,
Graber,	Satterlund,	Yegen.
Hall,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Dennett,	Larson,
Beardsley,	Foss,	McCulloch,
Bjornson,	Gill,	Richie,

Messrs—

Brown,
Burton,
Colosky,
Cunningham,
Daily,

Messrs—

Hodgson,
Holte,
Holritz,
Lamb,

Messrs—

Smith,
Wallen,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Daniel,
Davis,
Douglas,
Erickson,
Fiske,

Messrs—

Haight,
Havrevold,
Horgan,
Loring,
McKendry,

Messrs—

Noltimier,
Peabody,
Peterson,
Triplett,
Walton.

Messrs. Daniel, Davis, Douglas, Erickson, Fiske, Haight, Havrevold, Horgan, Loring, Noltimier, Peabody, Peterson, Triplett and Walton being excused.

And so the motion to adjourn prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The privileges of the floor were extended to Dr. L. D. Bartlett and Mr. F. W. Bush of Dickey county.

PETITIONS AND COMMUNICATIONS, ETC.

Mr. Oliver presented the following communication:

ELLELENDALE, N. D., February 16, 1891.

To the House of Representatives, Bismarck, N. D.:

Several attempts having been made to discredit and vilify the members of the Twenty-fifth Legislative district, namely, the Hon. W. B. Allen and the Hon. J. S. Richie, by means of communications through newspapers and other sources, by parties who, being unable to get into public notice through any honorable means, have adopted the tactics of the disgruntled and dishonest, and are seeking to prejudice the minds of the constituents of the before mentioned J. S. Richie and W. B. Allen, we as citizens and voters of the Twenty-fifth Legislative district desire to most emphatically protest against the scurrilous attacks that have been made; and furthermore, we desire to express our entire confidence in the honesty, integrity and ability of the before mentioned members, including, also, Hon. D. P. Kuhn, our senator. Furthermore, we are satisfied that a large majority of the citizens of this legislative district are entirely satisfied with the work done by our legislative delegation.

A. T. COLE,
and 21 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

Senate Bill No. 97,

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

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

Also,

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

And recommend that the same be amended as follows:

Amend the title of the bill to read:

A bill for an act to provide for the maintenance of the military department as provided in the military code of the State of North Dakota.

And that when so amended the same do pass.

G. G. BEARDSLEY,
Chairman.

Mr. Oliver moved

To adopt the report of the Committee on Appropriations on Senate Bill No. 131,

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. 201,

A bill for an act to encourage the sugar beet culture in the State of North Dakota, and providing an appropriation for experimenting on the manufacture of sugar from the same,

Have had the same under consideration, and recommend that the same be reported back to the House without recommendation.

G. G. BEARDSLEY,
Chairman.

Mr. Loomis moved

That House Bill No. 201 be made a special order for Wednesday, February 25, at 3 o'clock,

Which motion prevailed, and

The bill was made a special order.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the services of sires,

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

In Section 1, line 9, after the word "pedigree" and before the word "as" the words "or breeding so far as known" be inserted.

And when so amended recommend that the same do pass.

Also,

House Bill No 178,

A bill for an act to protect the cheese industry of North Dakota,
And recommend that the same do not pass.

O. S. WALLEN,
Chairman.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code entitled "Incorporations of Towns and Cities,"

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

GEORGE LUTZ,
Chairman.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds, Chapter 102, Session Laws of 1890,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Oliver moved

That the rules be suspended, and that

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak,

Be placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 189,

A bill for an act providing for an appropriation to pay the ex-

penses incurred by the Governor of the State during the recent threatened Indian outbreak,

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

The question being upon the passage of the bill.

The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Haight,	Osgood,
Bjorneon,	Hall,	Peabody,
Brooke,	Hanson,	Peterson,
Brown,	Havrevold,	Richie,
Burke,	Hill,	Satterlund,
Burton,	Hodgson,	Skinner,
Christianson,	Holte,	Smith,
Colosky,	Holritz,	Thompson,
Cope,	Horgan,	Triplett,
Cunningham,	Kearney,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Erickson,	Lutz,	White,
Fay,	McCulloch,	Williams,
Fiske,	McKendry,	Yegen,
Gill,	Noltimier,	Mr. Speaker.
Graber,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Farrar,	Strom.
Ebbighausen,	Foss,	

Mr. Daily voting in the negative.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title of the bill was agreed to.

Mr. Gill offered the following resolution:

Resolved, That the communication from the citizens of Dickey county, presented by Mr. Oliver, be spread upon the Journal of the House, and that the sentiments therein expressed complimentary to the honorable course of the Hon. W. B. Allen and the Hon. J. S. Richie in the performance of their duties in this Legislative Assembly are hereby endorsed.

Mr. Oliver moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Davis (by request) introduced—

House Bill No. 209,

A bill for an act to amend Chapter 50 of the Session Laws of 1890 and to fix the compensation of the judges of the county court

in those counties wherein additional jurisdiction has not been conferred upon the county court,

Which was read the first time.

Also, (by request)

House Bill No. 210,

A bill for an act to prohibit the transaction of private business for profit by county officials or their deputies, either during office hours or within the county court house and buildings or in their immediate vicinity,

Which was read the first time.

Mr. Daily introduced—

House Bill No. 211,

A bill for an act regulating the fees of county treasurer,

Which was read the first time.

The joint committee consisting of Senators Johnson and Weiser and Representatives Tufts, Oliver and Lutz, introduced—

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

Mr. Oliver moved

That the first reading of House Bill No. 212 be deferred until it shall be printed and that the number printed be 500,

Which motion prevailed.

Mr. Burke (by request) introduced—

House Bill No. 213,

A bill for an act to authorize the adjutant general to supply the various camps of the Sons of Veterans U. S. A., organized and existing within this State with such arms and accoutrements as may belong to the State and not be necessary for the equipment of the National Guard,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 214,

A bill for an act amendatory of Chapter 132 of the Session Laws of 1890,

Which was read the first time.

Substitute for House Bill No. 135,

A bill for an act to amend Chapter 48 of the Session Laws of 1889, entitled "An act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

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

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the capital,

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

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota,

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

Substitute for House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act,"

Was read the second time.

Substitute for House Bill No. 151,

A bill for an act to makes the notes and transcripts of official stenographers of the same force and effect as depositions,

Was read the second time.

Substitute for House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Was read the second time.

Mr. Kearney moved

That House Bill No. 178 be referred to General Orders,

Which motion prevailed, and

The bill was so referred

THIRD READING OF HOUSE BILLS.

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State,

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

The question being upon the passage of the bill,

The roll being called there were ayes 44, nays 4.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,

Messes—

Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,

Messrs—

Osgood,
Peabody,
Satterlund,
Skinner,
Smith,
Strom,

Messrs—	Messrs—	Messrs—
Christianson,	Holritz,	Thompson,
Colosky,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Larson,	Walton,
Erickson,	Loomis,	Ward,
Fay,	Lutz,	Watson,
Fiske,	McCulloch,	Yegen,
Gill,	Noltimier,	Mr. Speaker.
Graber,	Oliver,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Lamb,	McKendry.
Daniel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Richie,
Cope,	Foss,	Wallen,
Cunningham,	Hall,	White,
Douglas,	Loring,	Williams.
Ebbighausen,	Peterson,	

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 17, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Also,

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivision of the counties of Wallethe and Howard, Dakota Territory," approved March 9, 1883,

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

C. C. BOWSFIELD,
Secretary

COMMITTEE OF THE WHOLE.

Mr. Gill moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering general orders,
Which motion prevailed, and

Mr. Speaker called Mr. Fay to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Strike out the word "to" where it occurs the first time in line 7, Section 1, of printed bill.

Add the word "act" after the word "this" in line 15 of printed bill.

Add after the word "causes" in line 30, printed bill, the following:

"And the Commissioners of Railroads shall take action upon the complaint within fifteen days after the receipt of same, and shall serve notice of said date of action and cite all parties interested to a hearing before the board."

Add after the word "law" in line 32, printed bill, the following:

"In case of appeal, all proceedings of the Commissioners of Railroads shall be accepted as *prima facie* evidence of the reasonableness and justice of the complaint brought before them."

Also, add after the figures "1890" in line 33, Section 2, printed bill, the following:

"An act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith."

And that when so amended the bill do pass.

Also,

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Have considered the same together with the report of the Joint Committee on Military Affairs thereon, and recommend that Section 2 of the report of the committee be amended as follows:

In line 2 change the word "assessor" to "assessors."

Also, recommend that Section 5 be amended as follows:

Insert after the word "colonel" in the fourth line the following: "He shall have full power to appoint the Adjutant-General, Inspector and Judge Advocate General, Chief of Supply, Chief of Engineers and Ordnance, and officers of the Medical Department."

Also, that Section 12 be amended by striking out the word "twelfth" in the last line of the section and insert in lieu thereof the word "twelve"

Also, that Section 28 be amended as follows: In line 5 strike out "command-in-chief" and substitute therefor "commander-in-chief."

Also, that section 29 be amended as follows: In line 3, before the word "Dakota," insert the word "North."

Also, that Section 32 be amended as follows: In line 3 strike out the word "territory" and substitute the word "state."

And recommend that the report of the committee as amended be adopted and

That the bill when so amended do pass.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In Section 1, line 1, strike out the words "a majority," and insert in lieu thereof the words "three fifths."

In Section 5 strike out the word "may," and insert in lieu thereof the word "shall."

In the same section strike out the words "or after."

And when so amended recommend that the same do pass.

Also,

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota,

And recommend that the bill be amended by adding thereto the following as Section 2:

SEC. 2. It shall be the duty of the proper authorities of any incorporated city or town to issue under the corporate seal of said city or town, a certificate of exemption, to any person upon the production of due and sufficient evidence by such applicant, proving conclusively that he has served as an active fireman for five years last past.

And when so amended recommend that the same do pass.

Also,

House Bill No. 144,

A bill for an act allowing cattle, horses and mules to run at large,

And recommend that the same do not pass.

Also,

Senate bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

And recommend that the following amendment proposed by the Committee on Agriculture be adopted:

In Section 1, line 3, printed bill, strike out the word "December" and insert the word "November."

Also, recommend that the bill be further amended as follows:

In Section 1, line 4, after the word "brand," insert the words "his own stock,"

And when so amended recommend the same do pass.

Also,

House Bill No. 112,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of both husband and wife,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 160,

A bill for an act to amend Section 49, Chapter 4 of the Penal Code, in reference to punishment for Sabbath breaking,

And recommend that the further consideration of the bill be indefinitely postponed.

GEO. H. FAY,
Chairman.

Mr. Gill moved

To adopt the report.

Mr. Strom moved as an amendment

That the report be adopted, with the exception of that part relating to House Bill No. 112,

Which motion was lost, and

The question recurring upon the motion to adopt,

The motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Lutz moved

To reconsider the vote by which House Bill No. 65 was passed,
Which motion prevailed.

Mr. Gill moved

That the bill be referred to the Committee on Insurance,

Which motion prevailed, and

The bill was so referred.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor.

Also,

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An act prescribing the great seal of the State of North

Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal.”

Also,

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Speaker appointed as the committee to revise and correct the Journal of the forty-third day, Messrs. White, Holritz and Horgan.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 17, 1891. }

MR. SPEAKER:

I have the honor to return herewith House Bill No. 65 as requested by the House.

C. C. BOWSFIELD,
Secretary.

FIRST READING OF SENATE BILLS.

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

Was read the first time.

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

Was read the first time.

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Was read the first and second times, and referred to the Joint Committee on Education.

Mr. Peabody moved

That Senate Bill No. 147 be read the second time by its title and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

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

Mr. Loring moved

That the rules be suspended, and that Senate Bill No. 18 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Was read the second time and referred to the Joint Committee on Salaries of County Officers.

By unanimous consent,

Substitute for House Bill No. 135,

A bill for an act to amend an act entitled, "An act to amend Chapter 48 of the Session Laws of 1889 entitled, 'An act to amend Section 103 of Chapter 28 of the Political Code, relating to publication of receipts and disbursements of county treasurers, Chapter 131, Session Laws of 1890,'"

Was read the second time.

Mr. Walton moved

That House Bill No. 155 be taken from general orders and referred to the Committee on Agriculture.

Mr. Williams moved

To amend by also including House Bill No. 147,

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. Osgood moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to examine and correct the Journal of the forty-second day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the forty-second day have examined the same and find it to be correct.

G. N. SMITH,
Chairman.

The committee to examine and correct the Journal of the forty-third day made the following report:

MR. SPEAKER:

Your committee to revise and correct the Journal of the forty-third day have examined the same, and recommend that on page 10, after the words "Mr. Lutz," the words "by unanimous consent" be inserted, and with this correction we recommend the approval of the Journal.

FRANK WHITE,
Chairman.

Mr. Graber moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

REPORTS OF STANDING COMMITTEES.

The Committee on School and Public Lands made the following report:

MR. SPEAKER:

Your Committee on School and Public Lands to whom was referred

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

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

A. L. LOOMIS,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act, entitled "An Act pertaining to the subdivision of the counties of Walette and Howard, Dakota Territory," approved March 9, 1883,

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

Amend Section 3 by inserting the words "township 153, ranges 81, 82 and 83," after the word "inclusive" where it occurs the second time.

Amend Section 4 by changing the figures "159" to read "158" and the figures "160" to read "159" wherever they occur.

Amend Section 11 by inserting the words "the counties of" after the words "commissioners of."

Also, amend by striking out all of Section 12.

Amend Section 13 by numbering this Section 12.

And when so amended recommend that the same do pass.

CHAS. FISKE,
Chairman.

Mr. Satterlund moved

To adopt the report of the Committee on Counties and County Boundaries on House Bill No. 183,

Which motion prevailed, and

The report was adopted.

Mr. Speaker called Mr. Oliver to the Chair.

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 to amend Chapter 175 of the Laws of 1890, be-

ing an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds,

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

Also,

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,

And recommend that the same do not pass.

Also,

Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

And recommend that the same do pass.

Also,

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

And recommend that the same be indefinitely postponed.

GEO. H. FAY,
Chairman.

Mr. Graber moved

To adopt the report of the Committee on Judiciary on Senate Bill No. 49,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 194,

A bill for an act to amend Section 5136 of Chapter 13 of the Compiled Laws of the State of North Dakota,

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

Amend title of bill to read as follows:

A bill for an act to amend an act entitled "An act to amend Section 332 of the Code of Civil Procedure, being Section 5136 of the Compiled Laws of Dakota, 1887, relating to exemptions,"

And now, February 17, 1891, committee further recommend that the bill be indefinitely postponed.

GEO. H. FAY,
Chairman.

Mr. Brown moved

To adopt the report of the Committee on Judiciary on House Bill No. 194.

Mr. Lutz moved
 To refer the bill to general orders,
 Which motion was lost, and
 The report of the committee was adopted.

The Committee on School and Public Lands made the following report:

MR. SPEAKER:

Your Committee on School and Public Lands to whom was referred

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1861, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

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

A. L. LOOMIS,
 Chairman.

The Committee on Warehouses and Grain Grading made the following report:

MR. SPEAKER:

Your Committee on Warehouses and Grain Grading to whom was referred

House Bill No. 56,

A bill for an act to repeal Chapter 138, Laws of 1890, "An Act to provide for the licensing of public warehouses," approved March 31, 1890,

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

Also,

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds

And recommend that the same do pass.

D. C. TUFTS,
 Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890,

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

A. N. Foss,
Chairman.

The Committee on Banks and Banking made the following report:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota,

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

In line 6, Section 2, printed bill, strike out the word "private."

In line 8, Section 1, printed bill, strike out the word "stock."

Strike out all of line 11 after the word "business," and all of lines 12, 13 and 14 of Section 5.

Add after the word "business," line 10, Section 5, the words "at the expense of the person, association or corporation required to be published under this act."

And when so amended recommend that the same do pass.

H. S. OLIVER,
Chairman.

Mr. Lutz moved

To adopt the report of the Committee on Banks and Banking on House Bill No. 127,

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Foss moved

That Senate Bill No. 10 be referred to General Orders,

Which motion prevailed.

Mr. Brooke asked unanimous consent to reconsider the vote by which Senate Bill No. 49 was indefinitely postponed.

Objection made.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Yegen (by unanimous consent) introduced—

House Bill No. 215,

A bill for an act providing an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarck, N. D.,

Which was read the first time.

Mr. Triplett (by request) introduced—

House Bill No. 216,

A bill for an act to amend Section 1, Chapter 22 of the Session Laws of 1889, entitled "An act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals,

Which was read the first time, and

Mr. Triplett moved

That the rules be suspended and that the bill be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 216 was read the second time and referred to the Committee on Public Health.

Mr. Williams introduced—

House Bill No. 217,

A bill for an act to amend Section 1 of Chapter 93, General Laws of 1889, entitled "An act to provide for the appointment of trustees," etc., and to repeal Section 5 of said Chapter.

Which was read the first time.

Mr. Williams moved

That the rules be suspended and that the bill be now read the second time and referred to its appropriate committee.

Which motion prevailed, and

House Bill No. 217 was read the second time and referred to the Committee on Judiciary.

Mr. Smith introduced—

House Bill No. 218,

A bill for an act defining the responsibility of persons operating steam threshing machines,

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 209,

A bill for an act to amend Chapter 50 of the Session Laws of 1890 and to fix the compensation of the judges of the county court in those counties wherein additional jurisdiction has not been conferred upon the county court,

Was read the second time, and referred to the Joint Committee on Salaries of County Officers.

House Bill No. 210,

A bill for an act to prohibit the transaction of private business for profit by county officials or their deputies, either during office hours or within the county court house and buildings or in their immediate vicinity,

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

House Bill No. 211,

A bill for an act regulating the fees of county treasurer,

Was read the second time, and referred to the Joint Committee on Salaries of County Officers.

Mr. Davis moved

That the further consideration of House Bill No. 210 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 213,

A bill for an act to authorize the adjutant general to supply the various camps of the Sons of Veterans U. S. A., organized and existing within this State with such arms and accoutrements as may belong to the State and not be necessary for the equipment of the National Guard,

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

House Bill No. 214,

A bill for an act amendatory of Chapter 132 of the Session Laws of 1890,

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

Mr. Hill moved

That the further consideration of House Bill No. 213 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Erickson moved

That the rules be suspended and that House Bill No. 183 be now placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer and by repealing an act entitled "An act pertaining to the subdivision of the counties of Walette and Howard, Dakota territory, approved March 9, 1883,

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

The question being upon the passage of the bill,

The roll being called there were ayes 59, nays none.

Those who voted in the affirmative were:

Messrs--

Avvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,

Messrs--

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,

Messrs--

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom.

Messrs—	Messrs—	Messrs—
Colosky,	Holte,	Thompson,
Cope,	Holritz,	Triplett,
Cunningham,	Horgan,	Tufts,
Daniel,	Kearney,	Wallen,
Davis,	Lamb,	Walton,
Dennett,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Lutz,	White,
Erickson,	McCulloch,	Williams,
Farrah,	McKendry,	Yegen,
Fay,	Noltimer,	Mr. Speaker.
Fiske,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daily,	Foss,	Loring.

So the bill passed and the title was agreed to.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 69,

Mr. Cope moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 69,

Which motion prevailed, and

Mr. Speaker called Mr. Kearney to the Chair.

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 69,

A joint resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

E. T. KEARNEY,
Chairman.

Mr. Skinner moved

To adopt the report.

Roll call demanded.

The roll being called there were ayes 53, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Oliver.
Beardsley,	Gill,	Osgood,
Brooke,	Graber,	Peabody,
Brown,	Hall,	Satterlund,
Burke,	Havrevold,	Skiuner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Cope,	Holritz,	Thompson.
Cunningham,	Horgan,	Triplett,
Daily,	Kearney,	Tufts,

Messrs—	Messrs—	Messrs—
Daniel,	Lamb,	Walton,
Davis,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	White,
Erickson,	Lutz,	Williams,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.
Fiske,	Noltimier,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Haight,	Holte,
Burton,	Hanson,	Peterson.
Dennett,		

Messrs. Richie and Wallen being absent and not voting.

And so the motion to adopt the report of the Committee of the Whole prevailed.

Mr. Hill moved

That the vote just taken be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Speaker continued the same Journal Committee.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act,"

Was read the third time, and

Mr. Richie asked unanimous consent to amend the bill as follows:

In Section 2, after the words "harvesting and threshing the same" strike out the words "to pay the debt aforesaid,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Noltimier,
Beardsley,	Graber,	Oliver,
Brooke,	Haight,	Osgood,
Brown,	Hall,	Peabody,
Burke,	Hanson,	Peterson,
Burton,	Havrevold,	Richie,
Christianson,	Hill,	Skinner,
Colosky,	Hodgson,	Smith,
Daily,	Holte,	Strom,
Daniel,	Holritz,	Thompson,
Davis,	Horgan,	Triplett,

Messrs—	Messrs—	Messrs—
Dennett,	Lamb,	Tufts,
Ebbighausen,	Loomis,	Wallen,
Erickson,	Loring,	Walton,
Farrah,	Lutz,	Ward,
Fay,	McCulloch,	White,
Fiske,	McKendry,	Yegen.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Kearney,	Watson,
Cope,	Larson,	Williams,
Douglas,	Satterlund,	Mr. Speaker.

Mr. Cunningham voting in the negative.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 135.

A bill for an act to amend Chapter 48 of the Session Laws of 1889, entitled "An act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 40, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hodgson,	Richie,
Beardsley,	Holte,	Satterlund.
Christianson,	Holritz,	Skinner,
Davis,	Lamb,	Smith,
Dennett,	Larson,	Strom,
Erickson,	Loomis,	Thompson,
Fay,	Loring,	Tufts,
Fiske,	McCulloch,	Wallen,
Foss,	McKendry,	Walton,
Gill,	Oliver,	Ward,
Haight,	Osgood,	Watson,
Hanson,	Peabody,	White,
Havrevold,	Peterson,	Mr. Speaker.
Hill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Cunningham,	Farrah,
Burke,	Daily,	Horgan.
Colosky,	Ebbighausen,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Douglas,	Noltmier,
Brown,	Graber,	Triplett,
Burton,	Hall,	Williams,
Cope,	Kearney,	Yegen.
Daniel,	Lutz,	

So the bill passed and the title was agreed to.

Substitute for House Bill No. 151,

A bill for an act to make the notes and transcripts of official stenographers of the same force and effect as depositions,

Was read the third time, and

Mr Kearney moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Substitute for House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

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

The question being upon the passage of the bill,

The roll being called, there were ayes 32, nays 15.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Dennett,
Douglas,
Erickson,
Fiske.

Messrs—

Gill,
Haight,
Hanson,
Havrevold,
Hodgson,
Holritz,
Loomis,
Loring,
Lutz,
Noltmier,
Peabody,

Messrs—

Peterson,
Richie,
Smith,
Strom,
Thompson,
Wallen,
Walton,
Watson,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brown,
Cope,
Cunningham,
Daily,
Daniel,

Messrs—

Fay,
Horgan,
Kearney,
Lamb,
Larson,

Messrs—

McCulloch,
McKendry,
Osgood,
Ward,
Yegen.

Absent and not voting:

Messrs—

Colosky,
Davis,
Ebbighausen,
Farrah,
Foss,

Messrs—

Graber,
Hall,
Hill,
Holte,
Oliver,

Messrs—

Satterlund,
Skinner,
Triplett,
Tufts,
Williams.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Was read the first time.

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of

Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890,

Was read the third time, and

Mr. Fay asked unanimous consent to amend the bill as follows:

In line 2 of Section 1 strike out the words "he or she," and insert in lieu thereof the words "any such person or corporation,"

Which consent was given, and

The bill was so amended.

Mr. Oliver asked unanimous consent to further amend the bill as follows:

In line 9 of Section 3 insert after the word "highways" the following words: "And school sections and timber culture claims,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,

Messrs—

Fiske,
Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Noltmier,
Oliver,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Williams,
Yegeu,
Mr. Speaker.

Absent and not voting:

Messrs—

Davis,
Holritz,

Messrs—

Thompson,

Messrs—

White.

Messrs. Horgan and Osgood voting in the negative.

The question being upon the title of the bill, it was amended to read:

"A bill for an act for the destruction of noxious weeds and providing penalties for the violation of the same, etc."

Mr. Hill moved

That the further consideration of House Bill No. 146 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Strom moved

That the further consideration of House Bill No. 163 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 185,

A bill for an act to repeal Chapter 117 of the Laws of 1890,

Was read the third time, and

Mr. Erickson moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor,

Was read the third time, and

Mr. Oliver asked unanimous consent to amend the bill by adding the following emergency clause:

SEC. 14. Whereas, an emergency exists in this, that there is no criminal procedure provided by law for county courts having civil and criminal jurisdiction; therefore, this act shall take effect and be in force from and after its passage and approval.

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 49, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Haight,	Osgood,
Brown,	Havrevold,	Peabody,
Burke,	Hill,	Peterson,
Burton,	Hodgson,	Richie,
Christianson,	Holte,	Satterlund,
Colosky,	Holritz,	Skinner,
Cunningham,	Horgan,	Smith,
Daily,	Kearney,	Strom,
Daniel,	Lamb,	Thompson,
Davis,	Loomis,	Triplett,
Dennett,	Loring,	Tufts,
Douglas,	Lutz,	Walton,
Ebbighausen,	McCulloch,	Ward,
Farrah,	McKendry,	Watson,
Fay,	Noltmier,	Yegen,
Fiske,	Oliver,	Mr. Speaker.
Gill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Grabber,	Hanson.
Bjornson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Wallen,
Cope,	Hall,	White,
Erickson,	Larson,	Williams.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title of the bill was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. White moved

That the rules be suspended and that the House proceed to the third reading of Senate bills,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
February 18, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Which the Senate has passed with the following amendments:

Provided, That it shall be the duty of the inspector general of the State Militia to visit annually the Grand Army Posts having such guns and inspect their condition, said officer to make a report to the Governor of such inspection.

If the report of the said inspector general is to the effect that the said guns are not properly stored and cared for, then it shall be the duty of the Governor to recall the loan of such guns.

SEC. 2. Whereas, an emergency exists in that it is necessary that said arms and equipments shall be furnished long prior to July 1, 1891; therefore, this act shall take effect and be in force from and after its passage and approval.

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Oliver moved

That the House concur in the Senate amendments to House Bill No. 97,

Which motion prevailed, and

The question being upon the passage of the bill as amended,
The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messes—	Meßsrs—
Beardsley,	Haight,	Oliver,
Bjornson,	Hall,	Osgood,
Brooke,	Hanson,	Peabody,
Brown,	Havrevold,	Peterson,
Burke,	Hill,	Satterlund,
Christianson,	Hodgson,	Skinner,
Colosky,	Holte,	Smith,
Cope,	Holritz,	Strom,
Daily,	Horgan,	Thompson,
Daniel,	Kearney,	Triplett,
Davis,	Lamb,	Tufts,
Dennett,	Larson,	Wallen,
Douglas,	Loomis,	Walton,
Erickson,	Loring,	Watson,
Fay,	Lutz,	White,
Fiske,	McCulloch,	Williams,
Gill,	McKendry,	Yegen,
Graber,	Noltimier,	Mr. Speaker

Absent and not voting:

Messrs—	Messes—	Messrs—
Axvig,	Ebbighausen,	Richie,
Burton,	Farrah,	Ward.
Cunningham,	Foss,	

So the bill passed, more than two-thirds of the members present and voting voting therefor, and
The title was agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 97,

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

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

The question being upon the passage of the bill,

The roll being called there were ayes 53, nays 6.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Axvig,	Graber,	Osgood,
Beardsley,	Haight,	Peabody,
Brooke,	Hall,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Havrevold,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Hodgson,	Strom,
Colosky,	Holte,	Thompson,
Cope,	Holritz,	Triplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Walton,
Dennett,	Larson,	Ward,
Douglas,	Loomis,	Watson,
Erickson,	Loring,	White,

Messrs— Farrah, Fay, Fiske, Gill,	Messrs— Lutz, McKendry, Noltmier, Oliver,	Messrs— Williams, Yegen, Mr. Speaker.
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Those who voted in the negative were:

Messrs— Bjornson, Daily,	Messrs— Lamb, McCulloch,	Messrs— Peterson, Wallen.
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Absent and not voting:

Messrs— Cunningham,	Messrs— Ebbighausen,	Messrs— Foss.
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So the bill passed, more than two-thirds of the member present and voting, voting therefore, and

The title was agreed to.

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 32, nays 25.

Those who voted in the affirmative were:

Messrs— Beardsley, Brooke, Brown, Burke, Christianson, Colosky, Daily, Daniel, Davis, Erickson, Farrah,	Messrs— Fay Fiske, Hall, Hill, Holritz, Loomis, Loring, Lutz, McKendry, Noltmier, Oliver,	Messrs— Osgood, Peabody, Richie, Satterlund, Skinner, Smith, Triplett, Walton, Ward, White.
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Those who voted in the negative were:

Messrs— Axvig, Bjornson, Cope, Foss, Gill, Graber, Haight, Hanson, Havrevold,	Messrs— Hodson, Holte, Horgan, Kearney, Lamb, Larson, McCulloch, Peterson,	Messrs— Strom, Thompson, Tufts, Wallen, Watson, Williams, Yegen, Mr. Speaker.
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Absent and not voting:

Messrs— Burton, Cunningham,	Messrs— Dennett, Douglas,	Messrs— Ebbighausen.
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So the bill passed, and the title was agreed to.

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

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

The question being upon the passage of the bill.

The roll being called there were ayes 58, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Christiauson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,

Messrs—

Foss,
Gill,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltmier,

Messrs—

Oliver,
Osgood,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Messrs. Graber and Haight voting in the negative.

Messrs. Burton and Peabody being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Speaker appointed E. E. Semling as an Enrolling Clerk.

Senate bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

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

The roll being called there were ayes 49, nays 9.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,

Messrs—

Hall,
Hanson,
Havrevold,

Messrs—

Richie,
Satterlund,
Skinner,

Messrs—	Messrs—	Messrs—
Brooke,	Hill,	Smith,
Burke,	Holte,	Strom,
Burton,	Holritz,	Thompson,
Christianson,	Kearney,	Triplett,
Colosky,	Lamb,	Tufts,
Cope,	Larson,	Wallen,
Cunningham,	Loomis,	Walton,
Davis,	McCulloch,	Ward,
Dennett,	Noltimier,	Watson,
Erickson,	Oliver,	White,
Farrar,	Osgood,	Williams,
Fay,	Peabody,	Yegen,
Gill,	Peterson,	Mr. Speaker.
Haight,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Foss,	Horgan,
Ebbighausen,	Graber,	Loring,
Fiske,	Hodgson,	McKendry.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Douglas,	Lutz.
Daniel,		

So the bill passed and the title was agreed to.

Mr. Oliver moved

That House Bill No. 212 be referred to the Attorney General, with the request that he furnish to the House an opinion as to the constitutionality of the bill,

Which motion prevailed.

Mr. Fiske moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 19, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the forty-fourth day report that they have examined the same and find it to be correct.

FRANK WHITE,
Chairman.

Mr. Speaker appointed as the committee to examine and correct the Journal of the forty-fifth day, Messrs. Fay, Brown and Bjornson.

The courtesies of the floor were extended to Mr. H. P. Rucker.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the appropriation bills, the third reading and final passage of which was made a special order for 2 o'clock,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

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

The question being upon the passage of the bill,

The roll being called there were ayes 59, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Oliver,
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund,
Burton,	Havrevold,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Cope,	Holritz,	Thompson,
Cunningham,	Horgan,	Triplett,
Daily,	Kearney,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Watson,
Douglas,	Loring,	White,
Ebbighausen,	Lutz,	Williams,
Erickson,	McCulloch,	Yegen,
Farrah,	McKendry,	Mr. Speaker.
Fay,	Noltmier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Holte,	Ward.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 19, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts.

Also,
Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled
"An act authorizing counties to issue bonds to procure seed grain
for needy farmers therein," approved February 14, 1890,

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

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current
and contingent expenses of the Penitentiary at Bismarck, and for
making needed permanent improvements,

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

Mr. Kearney asked unanimous consent to amend the bill to make the warden's salary \$2,000, and the deputy warden's \$1,200.

Objection made.

The question being upon the passage of the bill,
The roll being called there were ayes 56, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Peabody,
Beardsley,	Gill,	Peterson,
Bjornson,	Graber,	Richie,
Brooke,	Haight,	Satterlund,
Brown,	Hall,	Skinner,
Burke,	Hanson,	Smith,
Burton,	Havrevold,	Strom,
Christianson,	Hill,	Thompson,
Colosky,	Hodgson,	Triplett,
Cope,	Holritz,	Tufts,
Cunningham,	Kearney,	Wallen,
Davis,	Loomis,	Walton,
Dennett,	Loring,	Ward,
Douglas,	Lutz,	Watson,
Ebbighausen,	McCulloch,	White,
Erickson,	McKendry,	Williams,
Farrah,	Noltmier,	Yegen,
Fay,	Oliver,	Mr. Speaker.
Fiske,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Lamb,	Larson.
Horgan,		

Messrs. Daniel and Holte being absent and not voting.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title was agreed to.

Senate Bill No. 66,

A bill for an act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements.

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

The question being upon the passage of the bill,

The roll being called there were ayes 60, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Oliver,
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund,
Burton,	Havrevold,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,

Messrs—	Messrs—	Messrs—
Cope,	Holte,	Thompson,
Cunningham,	Holritz,	Triplett,
Daily,	Horgan,	Tufts,
Daniel,	Kearney,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Ebbighausen,	Lutz,	White,
Erickson,	McCulloch,	Williams,
Fay,	McKendry,	Yegen,
Fiske,	Noltmier,	Mr. Speaker.

Messrs. Farrah and Lamb voting in the negative.

So the bill passed more than two-thirds of the members present and voting, voting therefor, and
The title was agreed to.

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

Was read the third time, and

Mr. Cope asked unanimous consent to amend the bill by cutting the appropriation down to \$35,000.

Objection made.

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fay,	Noltmier,
Beardsley,	Fiske,	Oliver,
Bjornson,	Foss,	Osgood,
Brooke,	Gill,	Peabody,
Brown,	Graber,	Richie,
Burke,	Hanson,	Strom,
Burton,	Havrevold,	Thompson,
Christianson,	Hill,	Triplett,
Colosky,	Hodgson,	Wallen,
Cunningham,	Holritz,	Ward,
Daily,	Loomis,	White,
Dennett,	Loring,	Williams,
Douglas,	Lutz,	Yegen,
Ebbighausen,	McKendry,	Mr. Speaker.
Erickson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cope,	Horgan,	Satterlund,
Daniel,	Kearney,	Skinner,
Davis,	Lamb,	Smith,
Farrah,	Larson,	Tufts,
Haight,	McCulloch,	Walton,
Hall,	Peterson,	Watson.
Holte,		

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and
The title was agreed to.

Mr. Lutz moved

That the rules be suspended to permit the amendment of any of the appropriation bills on their final passage,

Which motion prevailed.

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

Was read the third time, and

Mr. Kearney moved

To amend the bill by striking out the figures "\$16,500" and inserting in lieu thereof the figures \$10,000,"

Which motion was lost.

The question being upon the final passage of the bill,

The roll being called there were ayes 53, nays 7.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Davis,
Dennett,
Erickson,
Fay,
Fiske,
Foss,
Gill,
Grabber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltmier,
Oliver,
Osgood,
Peabody,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Daily,
Douglas,
Ebbighausen,

Messrs—

Farrab,
Horgan,

Messrs—

Kearney,
Lamb.

Messrs. Cope and Daniel being absent and not voting.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title was agreed to.

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 56, nays 6.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Davis,
Dennett,
Erickson,
Fay,
Fiske,
Foss,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Cope,
Daniel,

Messrs—

Douglas,
Ebbighausen,

Messrs—

Farrah,
Lamb.

Mr. Gill explaining his vote.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
February 19, 1891. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 24,
And has passed the bill as so amended.

Also,

That the Senate has concurred in the House Concurrent Resolution for a memorial to Congress for an appropriation to irrigate the arid and semi-arid districts of North Dakota.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 60,

A bill for an act appropriating money for the erection of a Soldiers' Home at Lisbon, North Dakota, and for the contingent expenses incident thereto,

Was read the third time, and

Mr. Noltimier presented the following petition:

DEVILS LAKE, N. D. February 9, 1891.

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

The undersigned members of General Crook Post No. 33, G. A. R. and

citizens of Ramsey county, N. D., hereby petition your honorable body to take immediate steps to establish a soldiers' home for the indigent soldiers and sailors, their widows and orphans, and to secure an appropriation for the same, thereby fulfilling the pledges made by all the political parties to the ex-soldiers and sailors of the war of the rebellion.

And your petitioners will ever pray.

T. C. SAUNDERS,
and 103 others.

The question being upon the passage of the bill,
The roll being called there were ayes 52, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Haight,	Peabody,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund.
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cunningham,	Hodgson,	Strom,
Daily,	Holritz,	Thompson,
Daniel,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Larson,	Wallen,
Douglas,	Loomis,	Walton,
Ebbighausen,	Loring,	Ward,
Erickson,	Lutz,	Watson,
Farrah,	McKendry,	White,
Fay,	Noltimier,	Williams,
Fiske,	Oliver,	Yegen,
Gill,	Osgood,	Mr. Speaker.
Graber,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Bjornson,	Foss.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Holte,	McCulloch,
Burton,	Lamb,	Peterson.
Cope,		

So the bill passed and the title was agreed to.

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

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

The question being upon the passage of the bill,
The roll being called there were ayes 28, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Holritz,	Strom,
Brown,	Loomis,	Triplett,
Christianson,	Loring,	Tufts,
Dennett,	Lutz,	Wallen,
Erickson,	McKendry,	Walton,

Messrs—	Messrs—	Messrs—
Gill,	Noltimier,	Ward,
Hanson,	Oliver,	Watson,
Havrevold,	Osgood,	White,
Hill,	Satterlund,	Yegen.
Holte,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen.	Lamb,
Beardsley,	Farrah,	Larson,
Bjornson,	Fay,	McCulloch,
Burke,	Fiske,	Peabody,
Colosky,	Foss,	Peterson,
Cope,	Graber,	Skinner,
Cunningham,	Haight,	Smith,
Daily,	Hall,	Thompson,
Daniel,	Hodgson,	Williams,
Davis,	Horgan,	Mr. Speaker.
Douglas,	Kearney,	

Messrs. Burton and Richie being absent and not voting.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

Was read the third time, and

Mr. Strom moved

To amend the bill by striking out the proviso requiring the citizens of Mayville to furnish a site for the institution,

Which motion prevailed.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

The question being upon the passage of the bill,

The roll being called there were ayes 22, nays 38.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Loring,	Strom,
Christianson,	Lutz,	Thompson,
Erickson,	McKendry,	Triplett,
Hanson,	Noltimier,	Wallen,
Hill,	Oliver,	Ward,
Holritz,	Osgood,	White,
Larson,	Satterlund,	Yegen.
Loomis,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Kearney,
Beardsley,	Farrah.	Lamb,
Bjornson,	Fay.	McCulloch,
Brown,	Fiske,	Peabody,
Burke,	Foss,	Peterson,
Colosky,	Gill,	Richie,
Cope,	Graber,	Skinner,
Cunningham,	Haight,	Smith,
Daily,	Hall,	Tufts,
Daniel,	Havrevold,	Walton,
Davis,	Hodgson,	Watson,
Dennett,	Holte,	Mr. Speaker.
Douglas,	Horgan,	

Messrs. Burton and Williams being absent and not voting.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

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

The question being upon the passage of the bill,
The roll being called there were ayes 24, nays 33.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Holritz,	Richie,
Brown,	Loomis,	Satterlund,
Burke,	Loring,	Triplett,
Christianson,	Lutz,	Watson,
Dennett,	McKendry,	Ward,
Farrah,	Noltmier,	Watson,
Gill,	Oliver,	White,
Hill,	Osgood,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Larson,
Beardsley,	Foss,	McCulloch,
Bjornson,	Graber,	Peabody,
Colosky,	Haight,	Peterson,
Cunningham,	Hall,	Skinner,
Daily,	Hanson,	Smith,
Daniel,	Hodgson,	Thompson,
Davis,	Holte,	Tufts,
Douglas,	Horgan,	Wallen,
Ebbighausen,	Kearney,	Williams,
Fay,	Lamb,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Erickson,	Strom.
Cope,	Havrevold,	

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and for the purchase of a site therefor,

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

The question being upon the passage of the bill,

The roll being called there were ayes 36, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Richie,
Brooke,	Hall,	Satterlund,
Brown,	Havrevold,	Skinner,
Burke,	Hill,	Strom,
Christianson,	Holritz,	Triplett,
Colosky,	Horgan,	Walton,
Cope,	Loomis,	Ward,
Davis,	Lutz,	Watson,
Dennett,	McKendry,	White,
Ebbighausen,	Noltmier,	Williams,
Erickson,	Oliver,	Yegen,
Gill,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fiske,	Beardsley,	Lamb,
Bjornson,	Foss,	Larson,
Cunningham,	Haight,	Loring,
Daily,	Hanson,	McCulloch,
Daniel,	Hodgson,	Smith,
Douglas,	Holte,	Tufts,
Farrah,	Kearney,	Wallen.
Fay,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Peterson,	Thompson.
Peabody,		

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

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

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

The question being upon the passage of the bill,

The roll being called there were ayes 17, nays 38.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Loomis,	Satterlund,
Brown,	Lutz,	Triplett,
Christianson,	McKendry,	Tufts,
Dennett,	Noltmier,	Williams,
Hill,	Oliver,	Yegen.
Larson,	Richie,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	McCulloch,
Beardsley,	Gill,	Peabody,
Bjornson,	Graber,	Peterson,
Burke,	Haight,	Skinner,
Colosky,	Hall,	Smith,
Cunningham,	Hanson,	Strom,
Daily,	Havrevold,	Thompson,
Daniel,	Hodgson,	Wallen,
Davis,	Holte,	Ward,
Douglas,	Horgan,	Watson,
Ebbighausen,	Kearney,	White,
Fay,	Lamb,	Mr. Speaker.
Fiske,	Loring,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Farrar,	Osgood,
Cope,	Holritz,	Walton.
Erickson,		

So the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 19, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893,

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

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An act to regulate warehouses, inspection, weighing and handling of grain,"

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

The question being upon the passage of the bill,
The roll being called there were ayes 28, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Oliver,
Brooke,	Havrevold,	Richie,
Brown,	Hill,	Satterlund,
Burke,	Larson,	Tripplett,
Daily,	Loomis,	Walton,
Daniel,	Loring,	Ward,
Dennett,	Lutz,	White,
Douglas,	McKendry,	Williams,
Ebbighausen,	Noltimier,	Yegen.
Graber,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	McCulloch,
Bjornson,	Gill,	Peabody,
Christianson,	Haight,	Peterson,
Colosky,	Hanson,	Skinner,
Cope,	Hodgson,	Smith,
Davis,	Holte,	Thompson,
Erickson,	Holritz,	Tufts,
Farrah,	Horgan,	Wallen,
Fay,	Kearney,	Watson,
Fiske,	Lamb,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Osgood,	Strom.
Cunningham,		

Mr. Hill explaining his vote.

So the bill was lost, a majority of the members-elect not voting therefor.

Mr. Speaker announced an informal recess.

House reassembled.

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

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

The question being upon the passage of the bill,

The roll being called there were ayes 35, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hall,	Peterson,
Bjornson,	Havrevold,	Richie,
Brooke,	Hill,	Satterlund,
Brown,	Hodgson,	Skinner,
Burke,	Holritz,	Smith,
Burton,	Loomis,	Thompson,
Colosky,	Loring,	Tufts,
Ebbighausen,	Lutz,	Walton,
Erickson,	Noltimier,	Watson,

Messrs--

Fay,
Fiske,
Gill,

Messrs--

Oliver,
Osgood,
Peabody,

Messrs--

White,
Williams.

Those who voted in the negative were:

Messrs--

Axvig,
Christianson,
Cope,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Farrah,

Messrs--

Graber,
Haight,
Hanson,
Holte,
Horgan,
Kearney,
Lamb,
Larson,

Messrs -

McCulloch,
McKendry,
Strom,
Triplett,
Wallen,
Ward,
Yegen,
Mr. Speaker

Messrs. Cunningham and Foss being absent and not voting.

Mr. Oliver explaining his vote.

And so the bill passed, but the emergency clause was lost, and
The title of the bill was agreed to.

Mr. Walton moved

To reconsider the votes by which Senate Bills Nos. 98, 65, 66,
137, 141, 58, 60, 99 and 100 were passed, and to lay the motion to
reconsider upon the table.

Mr. White moved

To divide the question,
Which motion was lost.

Mr. Cope moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 31, nays 31.

Those who voted in the affirmative were:

Messrs--

Bjornson,
Christianson,
Cope,
Dennett,
Erickson,
Farrah,
Gill,
Haight,
Hall,
Hanson,
Havrevold,

Messrs--

Holte,
Holritz,
Horgan,
Kearney,
Larson,
Loring,
McCulloch,
Peterson,
Richie,
Satterlund,

Messrs -

Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Ward,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs -

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,

Messrs--

Douglas,
Ebbighausen,
Fay,
iFiske,
Foss,
Graber,

Messrs -

Lutz,
McKendry,
Noltimier,
Oliver,
Osgood,
Peabody,

Messrs—

Colosky,
Cunningham,
Daily,
Daniel,
Davis,

Messrs—

Hill,
Hodgson,
Lamb,
Loomis,

Messrs—

Skinner,
Walton,
Watson,
Williams.

And so the motion to adjourn was lost.

The question then recurring on the motion of Mr. Walton, Mr. White raised the point of order that the motion was out of order because it sought to reconsider a number of separate votes.

Mr. Speaker decided the point of order not well taken.

Mr. White appealed from the decision of the Chair, and

The question being shall the decision of the Chair be sustained,
The decision of the Chair was sustained.

Mr. Cope moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 34, nays 25.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Christianson,
Cope,
Davis,
Dennett,
Erickson,
Gill,
Haight,
Hall,
Hanson,
Havrevold,

Messrs—

Holte,
Holritz,
Horgan,
Kearney,
Larson,
Loring,
McCulloch,
McKendry,
Peabody,
Peterson,
Richie,

Messrs—

Satterlund,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Brooke,
Brown,
Burke,
Burton,
Colosky,
Cunningham,
Daily,
Daniel,

Messrs—

Douglas,
Ebbighausen,
Fay,
Fiske,
Graber,
Hill,
Hodgson,
Lamb,

Messrs—

Loomis,
Lutz,
Noltimier,
Oliver,
Osgood,
Skinner,
Walton,
Williams.

Absent and not voting:

Messrs—

Farrah,

Messrs—

Foss,

Messrs—

Smith.

And so the motion to adjourn prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the forty-fifth day report that they have examined the same and find it to be correct.

GEO. H. FAY,
Chairman.

Mr. Speaker continued the same committee to correct the Journal of the Fourth-sixth day.

PETITIONS AND COMMUNICATIONS.

Mr. Douglas presented the following communication:

PARK RIVER, N. D., February 13, 1891.

Hon. James Douglas, House of Representatives, Bismarck, N. D.:

DEAR SIR: The five persons whose names are appended to preambles and resolutions I herewith enclose, are chosen and instructed by the Walsh county Farmers' Alliance, to submit the same for your consideration, and to urge your action thereon as far as practicable:

PREAMBLE AND RESOLUTION.

First. WHEREAS, It is utterly impossible for many farmers of Walsh and other counties to pay their taxes for 1890 until the crop of 1891 shall have been harvested, and

WHEREAS, The penalty system is a discrimination against such citizens;
be it

Resolved, That our Representatives in the Legislature be urged to use all

legitimate means to secure the passage of a bill granting an extension of time to the 15th of October, 1891, when taxes for 1890 may be paid without penalty and with a moderate rate of interest only, from the time at which they usually become delinquent.

Second. WHEREAS, Bills have been introduced to reduce salaries of county officials and to place the collection of taxes in the hands of township treasurers, it is

Resolved, That we shall heartily approve of the passage of such bills, and recommend that our representatives be so advised.

Third. WHEREAS, Occupiers of land are constantly annoyed, and the dissemination of foul seeds greatly increased by the custom of driving over property of citizens for the purpose of shortening distance, be it

Resolved, That we request our Representatives to introduce and do all possible towards the passage of a bill providing that when an occupier of landed property shall have posted conspicuously, a notice forbidding persons from trespassing thereon, any one driving, riding, or leading any animal or animals thereon may be prosecuted therefor, and a penalty prescribed that will reach all persons whether property owners or not.

Fourth. *Be it Resolved*, That this county alliance is opposed to the bill known as the resubmission bill, and earnestly pray that it may fail of passage.

Signed in behalf of the Walsh County, Farmers' Alliance at Park River, this 13th day of February, 1891.

D. D. GREEN,
JOHN WADGE,
D. E. TOWLE,
FRED ROBB,
WILLIAM FAYVILLE.

Also, the following communication:

PARK RIVER, N. D., February 16, 1891.

Hon. James A. Douglas, Bismarck, N. D.:

DEAR SIR: We are anxiously awaiting your report as to the action taken on your bill (by request) to require State officers to account to the State for all moneys received and disbursed by them.

Our alliance requests us to urge you to do all possible toward the passage of such a bill.

Please take a list of names of members voting for and against, and we will be guided as to how to act in the future.

Signed for Walsh County Farmers' Alliance.

Yours respectfully,

D. D. GREEN,
D. E. TOWLE,
FRED ROBB,
WM. FAYVILLE,
JOHN WADGE.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
BISMARCK, Feb. 19, 1891.

To the Honorable, the Speaker and House of Representatives:

By resolution of the House, you desire my opinion as to whether or not the stock indemnity tax, levied last year, is legal and constitutional.

The law you refer to, no doubt, is Section 17, Chapter 32, Laws of 1887; said section provides, in substance, that the Territorial Board of Equalization, at the time of making the annual assessment, shall levy a special tax, not ex-

ceeding 1 mill on the dollar, upon the assessed value of all cattle, horses and mules in the Territory, to be known as the Stock Indemnity Fund. The balance of the section provides the method of levying and collecting the same, etc.

I find upon investigation of the Organic Act of the Territory that the law referred to is in conflict with Section 13 of said Organic Act; said section provides, among other things, that the Legislative Assembly of Dakota shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property, but all property subject to taxation shall be taxed in proportion to its value.

Said Section 17 is also in conflict or repugnant to the following sections of our State Constitution, to-wit:

It is special legislation, in that it conflicts with Subdivision 23, Section 69 of Article 2 of the Constitution, which subdivision provides that the Legislative Assembly shall not pass local or special laws relating to the assessment or collection of taxes. It is also repugnant to Sections 174, 175, 176 of Article 11 of said Constitution, entitled "Revenue and Taxation," in this, that the sections referred to, in substance, provide that the Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each year; that no tax shall be levied except in pursuance of law, and that laws shall be passed taxing by uniform rule all property according to its true value in money.

Section 2, under Schedule of the Constitution, provides that "all laws now in force in the Territory of Dakota, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitations or be altered or repealed."

In my opinion, therefore, I find said Section 17 of the Laws of 1887 in direct conflict with the enabling act; hence said law was void and illegal at the time of its enactment.

Second. I also find said law repugnant to the various sections of our State Constitution; hence, even if it had been valid when enacted, it would become void and inoperative at the time of the adoption of our State Constitution. It follows from this that all taxes levied under this law are illegal, and cannot be collected.

Respectfully submitted,

C. A. M. SPENCER,
Attorney General.

P. S. - I have examined House Bill No. 212, and am of the opinion that it is not in conflict with the Constitution.

Yours,
C. A. M. SPENCER,
Attorney General.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 97,

A bill for an act, entitled "An Act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,"

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 97,

A bill for an act, entitled "An Act empowering and authorizing

the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota."

The privileges of the floor were extended to Mr. Johann Rott of McIntosh county.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 46,

A bill for an act to provide for the paying into the State Treasury of all fees and profits arising from any of the State offices.

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

That Section 1 be amended so as to read as follows:

It is hereby made the duty of the Secretary of State, State Auditor, Commissioner of Insurance, Commissioners of Railroads and Commissioner of Agriculture and Labor to faithfully account for and pay into the State Treasury quarterly, on the first days of January, April, July and October of each year, all fees and profits arising from each of their respective offices and take receipts from the State Treasurer therefor.

Also, cross out all of line 22 of Section 2 of the printed bill, and insert in lieu thereof the following: "Be liable to impeachment and punishment according to law."

And when so amended recommend that the same do pass.

JOHN S. RICHIE,
Chairman pro tem.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivisions of Walette and Howard, Dakota Territory," approved March 9, 1883.

Also,

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota.

Also,

House Bill No. 56,

A bill for an act to repeal an act entitled "An Act to repeal an act entitled 'An Act to provide for the licensing of public warehouses,'" Chapter 138, Session Laws of 1890.

Also,

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890.

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor.

Also,

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal."

Also,

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds, and find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Committee on Sheep Husbandry made the following report:

MR. SPEAKER:

Your Committee on Sheep Husbandry to whom was referred House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890,

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

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled, "Bounty for Wolf Scalps."

And we further recommend the following substitute bill:

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

That Section 1 of Chapter 157 of the laws of 1890 be amended to read as follows:

SECTION 1. BOUNTY FOR WOLF SCALPS.] The county commissioners of each county in the State of North Dakota shall, upon the petition of twenty-five (25) stock raisers, offer a bounty of not to exceed three (3) dollars and not less than one (1) dollar for each and every wolf or coyote killed within the limits of their county.

And when so amended recommend that the same do pass.

JOHN A. DAVIS,
Chairman.

Mr. Richie moved

To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Sheep Husbandry made the following report:

MR. SPEAKER:

Your Committee on Sheep Husbandry to whom was referred
House Bill No. 76,

A bill for an act to protect sheep industry in the State of North Dakota by providing a bounty for the killing of wolves and coyotes,

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

JOHN A. DAVIS,
Chairman.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota,

Have had the same under consideration and recommend that the title of the bill be amended to read as follows:

“A bill for an act to amend Article 15 of Chapter 73, Laws of 1887, entitled ‘An Act to provide for the incorporation of cities.’”

And when so amended recommend that the same do pass.

GEORGE LUTZ,
Chairman.

Mr. Oliver moved

That House Bill No. 76 be referred to general orders,
Which motion prevailed.

Mr. Lutz moved

To adopt the report of the committee on House Bill No. 208,
Which motion prevailed, and
The report was adopted.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred
House Bill No. 148,

A bill for an act to regulate the practice of veterinary medicine, surgery and dentistry in the State of North Dakota.

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

Also,

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, 1887, and for further preventing cruelty to animals,

And recommend that the same do pass.

Also,

House Bill No. 203,

A bill for an act to regulate the practice of medicine in the State of North Dakota, to license physicians, surgeons, obstetricians, and to punish persons violating the provisions of this act, contained in Chapter 93 of the Laws of 1890,

And recommend that the substitute hereto attached do pass.

A BILL

For an Act to Amend Section 16 of an Act Entitled "An Act to Regulate the Practice of Pharmacy, the Licensing of Persons to Carry on Such Practice, and the Sale of Poisons in the State of North Dakota, Chapter 108, Session Laws of 1890.

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

SECTION 1. That Section 16 of Chapter 108, Session Laws of 1890, be and the same is hereby amended to read as follows:

Sec. 16. All acts or parts of acts regulating the practice of pharmacy or adulterations of drugs within this State, enacted prior to the practice of this act, which in anywise conflict with the provisions of this act, are hereby repealed; *Provided*, That nothing in this act shall be so construed as to prevent any person who has once been a member by examination and may have forfeited his membership by non-payment of fines or fees from renewing his registration within two years by paying the required dues or fees without examination; *Provided, further*, That all duly licensed physicians practicing their profession in this State in accordance with law shall have the right to maintain, keep and sell drugs and medicines.

M. N. TRIPLETT,
Chairman.

The Joint Committee on Education made the following majority report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred
House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

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

Amend by striking out the word "language" in the first line of title and inserting in lieu thereof the word "languages," and also striking out the word "language" in third line of Section 1 and inserting the word "languages" in lieu thereof, and also striking out the words "that language" in the sixth line of Section 1 and inserting in lieu thereof the words "those languages."

And when so amended recommend that the same do pass.

F. M. KINTER,
Chairman on part of Senate.
FRANK WHITE,
Chairman on part of House.

The Joint Committee on Education made the following minority report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred
House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

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

E. E. DAILY,
Minority.

The Joint Committee on Education made the following report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred
Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

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

Also,

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

And recommend that the same be amended as follows:

In Section 1, line 1 of the printed bill, insert after the word "at" the words "the city of."

In line 2, before the word "Traill" insert the words "in the county of"; strike out the word "county" after the word "Traill," and insert before the word "North" the words "and State of."

In line 7, before the words "Valley City" insert the words "the city of," and before the word "Barnes" insert the words "in the county of"; strike out the word "county" after the word "Barnes" and insert the words "and State of" before the word "North."

Amend Section 4 in line 3 by inserting after the word "management" the words "the principal of the faculty of each such Normal School shall be secretary of the board of management thereof, but shall have no vote in such board. In the absence of the principal, the board may select one of their number to act as secretary *pro tempore* of said board."

Amend Section 5 in line 6 by inserting after the word "act" the words "and shall supercede the board of directors of the respective Normal Schools appointed and acting as provided by law at the time of the adoption of this act."

Amend Section 10 in line 12 by inserting after the word "the" the words "renting or."

Amend Section 10 in line 3 by inserting after the word "used" the words "for maintenance and."

In line 15 strike out the words "renting or" after the word "sale" and insert the words "or from the rental."

And when so amended recommend that the same do pass.

Also,

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

And recommend that the same do pass.

Also,

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

And recommend that the same do pass.

F. M. KINTER,

Chairman on part of Senate.

FRANK WHITE,

Chairman on part of House.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies,

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

In Section 6, line 7, printed bill, strike out the word "November" and insert the word "October."

And when so amended recommend that the same do pass.

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies.

And recommend the passage of the following substitute bill, entitled "An act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance."

J. C. GILL,

Chairman.

Mr. Speaker announced his signature to Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota.

Mr. Gill moved

That substitute for House Bill No. 65 be printed as other bills are printed, and that it be not printed in the Journal.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the Attorney General be requested to furnish his opinion as to whether the provisions of Section 6 of House Bill No 212 can be enforced.

Which motion prevailed, and

The resolution was adopted.

UNFINISHED BUSINESS.

Unfinished business being the consideration of the appropriation bills made a special order for yesterday and not acted upon, House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

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

The question being upon the passage of the bill,
The roll being called there were ayes 34, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Kearney,	Satterlund,
Burton,	Larson,	Skinner.
Cope,	Loomis,	Smith,
Cunningham,	Loring,	Thompson,
Dennett,	Lutz,	Triplett,
Ebbighausen,	McKendry,	Walton,
Fiske,	Noltimier,	Ward,
Gill,	Oliver,	Watson.
Hall,	Osgood,	White,
Havrevold,	Peabody,	Williams
Hill,	Richie,	Yegen.
Holritz,		

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Axvig,	Erickson,	Holte,
Burke,	Farrar,	Horgan,
Christianson,	Pay,	Lamb,
Colosky,	Foss,	McCulloch,
Daily,	Graber,	Peterson,
Daniel,	Haight,	Tufts,
Davis,	Hanson,	Wallen,
Douglas,	Hodgson,	Mr. Speaker.

Absent and not voting:

Messrs --	Messrs--	Messrs—
Beardsley,	Brown,	Strom.
Bjornson,		

So the bill passed and the title was agreed to.

House Bill No. 157,

A bill for an act to reimburse Prof. R. J. Babcock for expenses incurred in making investigations regarding the adaptability of of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

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

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 15.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Beardsley,	Fiske,	McKendry,
Bjornson,	Gill,	Osgood,
Brooke,	Haight,	Peabody,
Brown,	Hall,	Peterson,
Burke,	Havrevold,	Satterlund,
Burton,	Hill,	Skinner,
Colosky,	Hodgson,	Strom,
Cunningham,	Holritz,	Thompson,
Davis,	Horgan,	Tufts,
Dennett,	Kearney,	Walton,
Douglas,	Larson,	Watson,
Ebbighausen,	Loomis,	White,
Erickson,	Loring,	Williams,
Farrah,	Lutz,	Mr. Speaker.
Fay,		

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Christianson,	Hanson,	Richie,
Daily,	Holte,	Smith,
Daniel,	Lamb,	Tripplett.
Foss,	McCulloeh,	Ward,
Graber,	Oliver,	Yegen.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Axvig,	Noltimier,	Wallen.
Cope,		

So the bill passed, more than two-thirds of the members present and voting voting therefor, and

The title was agreed to.

Mr. Walton's motion,

To reconsider the votes by which Senate Bills Nos. 98, 65, 66, 137, 141, 58, 60, 99 and 100 were passed, and to lay the motion to reconsider upon the table,

Which was pending yesterday when the House adjourned being unfinished business was called up, and

Mr. White raised the point of order that Mr. Walton could not make the motion because he did not vote with the prevailing side on some of the bills, notably House Bill No. 137,

Which point of order was decided well taken, and

Mr. Speaker ruled the motion out of order.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. White moved

That the rules be suspended and that the House return to the order "Motions and Resolutions,"

Which motion was lost.

Mr. Davis (by request) introduced—

House Bill No. 219,

A bill for an act to amend Section 55 of Chapter 21 of the Political Code, Revised Statutes 1877, Territory of Dakota,

Which was read the first time.

Mr. Erickson introduced—

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

Which was read the first time.

Mr. McKendry introduced—

House Bill No. 221,

A bill for an act to remove the State University from Grand Forks to some more central and convenient location in the State of North Dakota,

Which was read the first time.

Mr. White moved

That the rules be suspended and that the bill be read the second time and referred to its appropriate committee.

Roll call demanded.

The roll being called there were ayes 23, nays 37.

Those who voted in the affirmative were:

Messrs—

Brooke,
Christianson,
Cope,
Davis,
Erickson,
Farrah,
Hanson,
Havrevold,

Messrs—

Hill,
Holritz,
Loring,
McKendry,
Oliver,
Osgood,
Satterlund,
Smith,

Messrs—

Triplett,
Tufts,
Walton,
Ward,
White,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Colosky,
Cunningham,
Daily,
Daniel,
Dennett,
Douglas,
Ebbighausen,

Messrs—

Fay,
Fiske,
Foss,
Gill,
Graber,
Haight,
Hodgson,
Holte,
Horgau,
Kearney,
Lamb,
Larson.

Messrs—

Loomis,
Lutz,
McCulloch,
Noltmier,
Peabody,
Peterson,
Richie,
Skinner,
Strom,
Thompson,
Watson,
Mr. Speaker.

Hessrs. Hall and Wallen being absent and not voting.

Mr. Brown explaining his vote.

So the motion to suspend the rules was lost.

Mr. Burke moved

That further consideration of House Bill No. 221 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Noltimier introduced—

House Bill No. 222,

A bill for an act to amend an act to prohibit prize fighting and sparring matches,

Which was read the first time.

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

Was read the first time, and

Mr. Tufts moved

That the rules be suspended and that the bill be read the second time and referred to the Committee on Warehouses, Grain Grading and Dealing.

Which motion prevailed, and

House Bill No. 212 was read the second time and referred to the Committee on Warehouses, Grain Grading and Dealing.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 20, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Also,

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts," and to provide a fund to reimburse the county for the same,"

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

Also, that the Senate has concurred in the House amendments to Senate Bill No. 131, and has passed the bill as so amended.

C. C. BOWSFIELD,
Secretary.

SECOND READING OF HOUSE BILLS.

House Bill No. 215,

A bill for an act providing an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarck, N. D.,

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

House Bill No. 218,

A bill for an act defining the responsibility of persons operating steam threshing machines,

Was read the second time, and

Mr. Richie moved

To refer the bill to the Committee on State Affairs,

Which motion prevailed, and

The bill was so referred.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

Also,

House Bill No. 150,

A bill for an act to provide a Military Code for the State of North Dakota,

And find the same correctly engrossed.

JOHN BURKE,
Chairman,

THIRD READING OF HOUSE BILLS.

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

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

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 2.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Beardsley,
 Bjornson,
 Brooke,
 Burke,
 Christianson,
 Cope,
 Daniel,
 Davis,
 Dennett,
 Douglas,
 Erickson,
 Farrah,
 Fay,
 Fiske,
 Gill,
 Graber,

Messrs—
 Haight,
 Hall,
 Hanson,
 Havrevold,
 Hodgson,
 Holte,
 Horgan,
 Kearney,
 Lamb,
 Larson,
 Loomis,
 Loring,
 Lutz,
 McCulloch,
 Noltimer,
 Osgood,

Messrs—
 Peabody,
 Peterson,
 Richie,
 Satterlund,
 Smith,
 Thompson,
 Triplett,
 Tufts,
 Wallen,
 Walton,
 Ward,
 Watson,
 White,
 Williams,
 Yegen,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Brown,
 Burton,
 Colosky,
 Cunningham,

Messrs—
 Daily,
 Ebbighausen,
 Foss,
 Hill,

Messrs—
 Holritz,
 McKendry,
 Skinner.

Messrs. Oliver and Strom voting in the negative.

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

Mr. Speaker announced his signature to
 Senate Bill No. 19,
 A bill for an act for paroling prisoners.

Also,
 Senate Bill No. 68,

A bill for an act attaching the county of Church in the second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes.

Also,
 Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montrailie, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes.

Also,
 Senate Bill No. 88,

A bill for an act relating to registering of county warrants and duty of the county treasurer in relation thereto.

Also,
 Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers and making appropriations therefor.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak.

Also,

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fay,
Fiske,

Messes—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Daily,
Erickson,

Messrs—

Foss,
Loomis,

Messrs—

Satterlund,
Tufts.

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

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires,

Was re-read the third time, and

Mr. Gill asked unanimous consent to amend the bill as follows:

In Section 3, line 4, after the word "get" and before the word "Provided" the words "and said lien shall have priority over any or all other liens, chattels, or other incumbrances" be inserted.

Objection made.

Mr. Burke moved

To suspend the rules, to permit the amending of the bill upon its third reading,

Which motion was lost.

Mr. Burton moved

That the bill be re-committed for correction,

Which motion was lost.

The question being upon the passage of the bill,

The roll being called there were ayes 38, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hall,	Strom,
Brooke,	Hanson,	Thompson,
Burke,	Hodgson,	Triplett,
Burton,	Holte,	Tufts,
Christianson,	Larson,	Wallen,
Cope,	Loomis,	Walton,
Cunningham,	McCulloch,	Ward,
Davis,	Noltimier,	Watson,
Dennett,	Osgood,	White,
Fay,	Peabody,	Williams,
Fiske,	Peterson,	Yegen,
Gill,	Skinner,	Mr. Speaker.
Graber,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrab,	Kearney,
Bjornson,	Haight,	Lamb,
Brown,	Havrevold,	Loring,
Colosky,	Hill,	McKendry,
Daily,	Holritz,	Oliver.
Daniel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Douglas,	Foss,	Richie,
Ebbighausen,	Horgan,	Satterlund.
Erickson,	Lutz,	

So the bill passed and the title was agreed to.

House Bill No. 144,

A bill for an act allowing cattle, horses and mules to run at large,

Was read the third time, and

Mr. Daily moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 55,

A bill for an act for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, in the county of Dickey and State of North Dakota, agreeable to the provisions of the third subdivision of Section 216 of the Constitution of this State.

Also,

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein.

Also,

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgments taken by registers of deeds, township clerks and notaries public.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Speaker announced his signature to Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

Mr. Douglas moved

To adopt the report of the Committee on State Affairs on House Bill No. 46,

Which motion prevailed, and
The report was adopted.

Mr. Daily moved

That when the House adjourn it be to take a recess until Monday, February 23d, at 2 o'clock p. m.

Mr. McCulloch moved as an amendment

That the House hold a night session to-night, and that when it adjourn it be to take a recess until Monday at 2 o'clock p. m.,

Which motion was declared out of order.

The question being upon the motion of Mr. Daily,
Roll call was demanded.

The roll being called there were ayes 26, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Osgood,
Beardsley,	Haight,	Peabody,
Brooke,	Hall,	Skinner,
Christianson,	Holte,	Thompson.
Colosky,	Horgan,	Triplett,
Cope,	Kearney,	Tufts,
Daily,	Lamb,	Williams,
Daniel,	Loomis,	Yegen.
Ebbighausen,	McKendry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Foss,	Noltimier,
Brown,	Gill,	Oliver,
Burke,	Graber,	Peterson,
Burton,	Hanson,	Richie,
Cunningham,	Havrevold,	Smith,
Davis,	Hill,	Strom,
Dennett,	Hodgson,	Wallen,

Messrs—

Douglas,
Farrah,
Fay,
Fiske,

Messrs—

Holritz,
Larson,
Loring,
McCulloch,

Messrs—

Walton,
Watson,
White.

Absent and not voting:

Messrs—

Lutz,
Satterlund,

Messrs—

Ward,

Messrs—

Mr. Speaker.

And so the motion to adjourn until Tuesday was lost.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Committee on Accounts and Expenditures made the following report:

The Special Committee on Supplies and Expenditures made the following report:

MR. SPEAKER:

Your Special Committee on Supplies and Expenditures would respectfully report

That they have, with the assistance of the Public Examiner, made the examination of the public accounts for the year ending October 31, 1890, as required by Rule 62, and find that all expenditures have been made on proper vouchers, which vouchers are on file in the offices of the State Auditor and State Treasurer; that the payments have been made from the proper appropriations, and that the funds reported to be on hand by the Treasurer are so on hand; that there are no public moneys invested in securities.

We submit herewith a detailed statement of the receipts and expenditures classified, and find that it agrees with the published reports of the officers.

W. J. SKINNER,
Chairman.

RECEIPTS

By the State Treasurer of North Dakota for the year ending October 31, 1890,
as compared with the statements and drafts of the State Auditor and the
books in the Auditor's office.

Balance received from Territorial Treasurer, State funds	\$ 57,513 41	
Balance received from Territorial Treasurer, railroad tax for counties.....	7,181 51	
		\$ 64,694 92

RECEIVED FROM COUNTIES, TAXES.

Barnes	\$ 6,331 03	
Benson	921 80	
Billings	1,104 47	
Bottineau	267 61	
Burleigh	4,699 16	
Cass	17,774 53	
Cavalier	1,756 93	
Dickey	4,156 57	
Eddy	979 26	
Emmons	926 87	
Foster	1,675 03	
Grand Forks.....	13,620 76	
Griggs	3,343 22	
Kidder	2,265 26	
LaMoure.....	5,183 32	
Logan	143 60	
McHenry	608 09	
McIntosh	582 15	
McLean	1,206 06	
Mercer	145 01	
Morton	3,800 01	
Nelson	3,245 81	
Oliver.....	178 05	
Pembina	6,933 40	
Pierce.....	116 68	
Ramsey	3,036 74	
Ransom	5,265 15	
Richland	10,528 92	
Rolette.....	601 18	
Sargent	3,275 06	
Stark	1,433 98	
Steele.....	4,085 19	
Stutsman	10,301 53	
Towner	649 34	
Trail	8,385 06	
Walsh	7,842 67	
Ward	436 73	
Wells	1,554 98	
		139,361 21
Gross earnings tax of railroad	63,775 65	
Insurance companies' tax	10,946 91	
Elevator company licenses	6,757 50	
Incorporation fees	650 00	
Funding warrants sold.....	75,000 00	
Funding warrants Constitutional Convention.....	11,646 70	
Revenue bonds sold	150,000 00	
Premium on revenue bonds	17,425 00	
Freight refunded	9 12	
Fees of clerk of Supreme Court.....	399 95	

Fees of Insurance Commissioner	6,000 00	
Fees of Secretary of State	1,862 00	
Fees received from Territorial Auditor	383 37	
Fees received for lease of school lands	60,599 50	
		405,455 70
		\$ 609,511 83

DISBURSEMENTS

As shown by the Treasurer's books and the vouchers returned and filed with the Auditor:

Interest on State bonds and capitol warrants	\$ 29,674 62	
Interest on funding warrants	1,045 40	
Funding warrants	75,000 00	
University bond fund	413 05	
Insane Hospital bond fund	510 87	
		106,643 94
Salary of Governor	\$ 2,725 00	
Salary of Lieutenant Governor	902 80	
Salary of Secretary of State	1,988 86	
Salary of Auditor	1,994 39	
Salary of Treasurer	1,977 73	
Salary of Commissioner of Insurance	1,988 82	
Salary of Superintendent of Public Instruction	1,766 62	
Salary of Attorney General	1,816 66	
Salary of Commissioners of Railroads	4,927 75	
Salary of Commissioner of Agriculture and Labor ..	1,630 00	
Salary of Judges of Supreme Court	10,899 99	
Salary of Judges of district court	16,426 45	
		49,045 07
Clerk hire Governor's office	\$ 1,393 00	
Clerk hire Secretary of State	1,829 80	
Clerk hire Auditor	1,571 66	
Clerk hire Treasurer	1,438 46	
Clerk hire Commissioner of Insurance	1,810 00	
Clerk hire Superintendent of Public Instruction	1,726 75	
Clerk hire Attorney General	800 00	
Clerk hire Commissioner of Agriculture and Labor ..	1,124 50	
		11,694 17
Expense of Governor's office	322 50	
Expense of Secretary's office	834 30	
Expense of Auditor's office	942 94	
Expense of Treasurer's office	988 79	
Expense of Commissioner of Insurance's office	1,216 54	
Expense of Superintendent of Public Instruction	1,753 38	
Expense of Attorney General's office	252 48	
Expense of Commissioners of Railroads	338 51	
Expense of Commissioner of Agriculture and Labor ..	840 98	
		7,490 42
Maintaining public offices to March 8, 1890	\$ 2,928 41	
Maintaining public offices, appr, 1890	2,972 67	
Fuel and light at Capitol	2,129 05	
		8,030 13
Expenses of Supreme Court	\$ 944 82	
Expenses of marshal's Supreme Court	40 00	
Expenses Board of University and School Lands ..	190 85	
Expenses Board of Health	30 50	
Expenses Board of Equalization	455 40	
Expenses Board of Agriculture	225 00	
Care and custody of State Library	391 50	
Traveling expenses Commissioners of Railroads	613 65	

Traveling expenses Attorney General.....	190 99	
Traveling expenses Supt. Public Instruction	68 68	
Traveling expenses Public Examiner	641 80	
Traveling expenses Veterinary Surgeon.....	336 35	
Traveling expenses Judges of Territorial Supreme Court	433 66	
Expenses of courts in unorganized counties	769 50	
Lists of U. S. Lands for taxation	350 50	
Relief for destitute settlers	1,138 85	
Relief for destitute settlers, expenses.....	96 84	
Expenses burial of soldiers and sailors	93 00	
Headstones for soldiers and sailors	5 00	
Exchange account	71 85	
		7,088 74
Mileage and per diem of Legislative Assembly.....	\$ 52,444 40	
Per diem of officers and clerks.....	28,321 50	
Printing for Legislative Assembly.....	14,736 77	
Stationery for Legislative Assembly	459 45	
Publishing Constitution	1,000 00	
		96,962 12
Long's Legislative Hand Book	750 00	
Return of fugitives from justice.....	1,281 29	
Insurance of public buildings	6,133 00	
Books for State Library.....	3,299 75	
Armory rent for militia	2,250 00	
Normal School expenses	933 00	
Document fund	115 67	
		14,762 71
Trustees, Deaf and Dumb School.....	45 00	
Directors of Normal School.....	12 50	
Advertising and leasing of school lands, expense....	4,486 49	
Insurance tax paid fire companies.....	3,700 07	
Expense of Constitutional Convention.....	10,898 46	
Territorial claims allowed by joint commission	23,773 16	
Teachers' Institute.....	840 00	
Tree bounty.....	90 00	
		43,845 68
Gross earnings, tax paid counties	\$ 36,949 68	
		36,949 68
Insane Hospital, account of appropriations.....	\$ 60,567 65	
Per diem and mileage of trustees.....	547 07	
Salaries of resident officers.....	4,269 54	
Transportation of insane.....	5,420 70	
		70,804 96
University, account of appropriations.....	\$ 24,253 69	
Trustees, per diem and mileage.....	459 45	
		24,713 14
Penitentiary, account of appropriations	\$ 18,080 09	
Penitentiary, directors per diem and mileage.....	607 99	
Transportation of convicts.....	2,081 97	
		20,770 05
Clerk of Supreme Court, salary.....	\$ 1,487 50	
Reporter, Supreme Court, salary.....	571 10	
Public Examiner, salary.....	1,959 92	
Veterinary Surgeon, salary	555 53	
Adjutant General, salary	185 54	
Superintendent, Board of Health.....	250 00	

Secretary, Railroad Commissioners.....	829 92	
Secretary, Board of Agriculture.....	80 00	
		5,919 51
		\$ 504,720 32
Balance on hand October 31, 1890.....		104,791 51
		\$ 609,511 83

Mr. Thompson moved

That the vote by which Senate Bill No. 61 was lost be reconsidered.

Roll call demanded.

The roll being called there were ayes 36, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Grabber,	Richie,
Brown,	Hall,	Smith,
Christianson,	Hanson,	Strom,
Colosky,	Havrevold,	Thompson,
Cope,	Hill,	Triplett,
Cunningham,	Holte,	Tufts,
Daniel,	Holritz,	Wallen,
Dennett,	Larson,	Watson,
Erickson,	Lutz,	White,
Farrah,	McKendry,	Williams,
Foss,	Noltmier,	Yegen,
Gill,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Loring,
Beardsley,	Fay,	McCulloch,
Bjornson,	Fiske,	Osgood,
Burke,	Haight,	Peabody,
Burton,	Horgan,	Peterson,
Daily,	Kearney,	Skinner,
Davis,	Lamb,	Walton,
Douglas,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hodson,	Satterlund,	Ward.
Loomis,		

And so the motion to reconsider prevailed.

Mr. Speaker called Mr. Gill to the Chair.

Mr. Daily moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 20, nays 37.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Davis,	Loomis,
Bjornson,	Douglas,	Lutz,

Messrs—
 Burke,
 Burton,
 Colosky,
 Cunningham,
 Daily,

Messrs—
 Ebbighausen,
 Fay,
 Haight,
 Hall,
 Kearney,

Messrs—
 Oliver,
 Osgood,
 Skinner,
 Walton.

Those who voted in the negative were:

Messrs—
 Axvig,
 Brooke,
 Brown,
 Christianson,
 Cope,
 Dennett,
 Erickson,
 Farrah,
 Fiske,
 Gill,
 Graber,
 Hanson,
 Havrevold,

Messrs—
 Hill,
 Holte,
 Holritz,
 Horgan,
 Lamb,
 Larson,
 Loring,
 McKendry,
 Noltimier,
 Peabody,
 Peterson,
 Richie,

Messrs—
 Smith,
 Strom,
 Thompson,
 Triplett,
 Tufts,
 Wallen,
 Ward,
 Watson,
 White,
 Williams,
 Yegen,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Daniel,
 Foss,

Messrs—
 Hodgson,
 McCulloch,

Messrs—
 Satterlund.

And so the motion to adjourn was lost.

Mr. Cope moved

To reconsider the vote by which Senate Bill No. 59 and Senate Bill No. 52 were lost.

Roll call demanded.

The roll being called there were ayes 25, nays 30.

Those who voted in the affirmative were:

Messrs—
 Christianson,
 Cope,
 Dennett,
 Erickson,
 Farrah,
 Fiske,
 Hanson,
 Havrevold,
 Hill,

Messrs—
 Holritz,
 Horgan,
 Larson,
 Loring,
 McKendry,
 Oliver,
 Strom,
 Thompson,

Messrs—
 Triplett,
 Tufts,
 Wallen,
 Walton,
 Ward,
 White,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Axvig,
 Beardsley,
 Bjornson,
 Brown,
 Burke,
 Burton,
 Colosky,
 Cunningham,
 Daily,
 Daniel,

Messrs—
 Davis,
 Douglas,
 Ebbighausen,
 Fay,
 Foss,
 Gill,
 Haight,
 Hall,
 Hodgson,
 Kearney,

Messrs—
 Lamb,
 Loomis,
 Lutz,
 McCulloch,
 Noltimier,
 Osgood,
 Peabody,
 Skinner,
 Smith,
 Watson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Peterson,	Satterlund,
Graber,	Richie,	Williams.
Holte,		

And so the motion to reconsider was lost.

Mr. Beardsley moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 35, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Lamb,
Beardsley,	Fay,	Loomis,
Bjornson,	Fiske,	Loring,
Brooke,	Foss,	Lutz,
Brown,	Gill,	Oliver,
Burke,	Graber,	Osgood,
Burton,	Haight,	Skinner,
Colosky,	Hall,	Smith,
Cunningham,	Havrevold,	Watson,
Daily,	Hodgson,	Williams,
Davis,	Horgan,	Yegen.
Douglas,	Kearney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Holte,	Richie,
Cope,	Holritz,	Strom,
Dennett,	Larson,	Thompson,
Erickson,	McKendry,	Triplett,
Farrar,	Noltmier,	Wallen,
Hanson,	Peabody,	Walton,
Hill,	Peterson,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Daniel,	Satterlund,	Ward,
McCulloch,	Tufts,	Mr. Speaker.

And so the motion to adjourn prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Axvig, Daily, Holte, Loomis and Osgood.

Mr. Axvig being excused.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the forty-sixth day report that they have examined the same and find it to be correct.

GEO. H. FAY,
Chairman.

The courtesies of the floor were extended to Mr. S. H. Snyder of Wahpeton.

Mr. Speaker appointed as a committee to examine and correct the Journal of the forty-seventh day Messrs. Christianson, Daily and Davis.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

BISMARCK, February 21, 1891.

To the Honorable, the Speaker and House of Representatives:

By resolution you have requested my opinion as to whether or not the provisions of Section 6 of House Bill 212 can be enforced.

I had the bill under consideration some days ago, and gave my opinion to the House that said bill did not conflict with our State Constitution, hence if passed would be constitutional.

Upon a further examination I am still of the same opinion, and so far as Section 6 thereof is concerned I see nothing in it which would conflict with the Constitution, and am therefore of the opinion that said section could be enforced.

Yours respectfully,
C. A. M. SPENCER,
Attorney General.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Noltimier presented the following communications:

BISMARCK, N. D., February 21, 1891.

To the Honorable, the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota:

I respectfully ask your attention to the question of irrigation and water supply in the interest of agriculture and the good of the people. And the matter now under consideration is for a concurrent resolution from your honorable body to the Congress of the United States, asking the Government to establish a National Scientific Rain Bureau or College. The concurrent resolution asked for is a synopsis of a petition to Congress, circulated by the writer, which has been fully endorsed and signed by many hundreds of the most intelligent, influential and practical citizens of our state, including farmers, professional men and our honored Governor, and all the Senators and Representatives of the Legislative Assembly, except two gentlemen who have not, as yet, seen the said petition. It is also most emphatically and cordially endorsed by letters received by myself from the best thinkers, farmers and practical scientists of the Union.

Now, in view of the great importance of the project and the long list of worthy supporters, speaking in the name of our state association, I earnestly, but most respectfully, pray that you may pass the concurrent resolution presented for your consideration, and that the letter of John C. Walsh, an intelligent and practical scientist and signal service officer, together with all relative matter, may be printed in the Journal of the House.

Very Respectfully,

W. W. BARRETT,
President of the Forestry, Meteorological, Water Supply and Scientific
Association of North Dakota.

BISMARCK, N. D., February 14, 1891.

Mr. W. W. Barrett, President F. M., W. S. and S. Association, Devils Lake, North Dakota:

DEAR SIR: In compliance with your request I offer herewith a few suggestions as to the feasibility, usefulness and prospect of success of the project for which your petition to Congress asks an appropriation.

As to the usefulness, if a successful result should be obtained, it is supererogatory to speak for a uniform and well regulated supply of rainfall at the proper season would have a money value for the Dakotas mounting up into the hundreds of millions annually.

The subject of the natural causes of rainfall, and its deficiencies or excess above the average for any year have never been thoroughly investigated. The weather bureau of the signal service has confined itself in the narrow limits of endeavoring to prognosticate the weather a day or two in advance. It never really entered the wide domain of scientific investigation of the causes of natural phenomena, but confined itself to compiling records of results.

Now, however, that this service is transferred to the Department of Agriculture, under the able management of Secretary Rusk, and freed from the embarrassments of military control, it is to be hoped that a wide and extensive investigation of meteorological phenomena will be carried out.

The policy of the new weather bureau will be to make it useful to agricul-

tural interests, and to put scientific men to work instead of army officers, some of whom are fitted neither by education, training or bent of mind for purely scientific pursuits.

Some desultory work has been done already in the line your petition suggests, and the practicability of producing rainfall by artificial methods is demonstrated. The war of the rebellion afforded numerous proofs that heavy cannonading produced rainfall, but really very little has been done (to investigate the subject of artificial production of rain) in a thoroughly scientific and complete manner.

The present advance of electrical science may furnish the solution of the problem, for it is now acknowledged by investigators who have pursued the studies in that line, that a change of electrical conditions *must* take place in clouds before rain can occur.

The sum asked for (\$100,000) may appear large, but if a successful result should be arrived at, one hundred times that sum would have been profitably spent.

I believe that if the money is placed at the disposal of the Secretary of Agriculture, and the investigation carried out faithfully, it will be found that the inventive genius of the American mind will be equal to the occasion; and it will be one of the greatest triumphs of the century.

Nature never yields one of her secrets without profound struggles, and if we can harness the clouds to do our bidding as we have already harnessed the lightning, the value of the discovery will be incalculable.

Even if this great desideratum is not obtained, the investigation may be fruitful of other useful and valuable results, and the whole subject of rainfall is so vitally important in large sections of the country that it is imperative on the government to fully investigate all the possibilities of the question.

Money so used will be usefully expended in such a great work, and the interests at stake are so vast that ten times the sum asked for would not be too much.

I shall watch the result with a great deal of interest, for I have pursued studies co-ordinate with the subject for a number of years, and am much interested in the questions which may arise. I have no doubt of the solution of the problem in time, and hope your efforts toward that end will be successful.

Very respectfully your obedient servant,

JOHN C. WALSH,
Lieut. Signal Corps, U. S. Army.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 21, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds issued or assumed by the State or North Dakota.

Also,
Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull.

Also,
Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court.

Also,
Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution.

Also,
Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

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

Also,
House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,
House Bill No. 106,

A bill for an act to amend Section 6 of an act, entitled "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended.

Also,
House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled, "An Act pertaining to the subdivision of the counties of Walette and Howard, Dakota Territory, approved March 9, 1883,"

Which the Senate has passed unchanged.

Also,
House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

Which the Senate has passed by striking out the first proviso, and your concurrence therein is respectfully requested.

Also,
The following Concurrent Resolution:

CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

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

WHEREAS, It appears from the judgment of the Supreme Court of the United States, in the case of Wisconsin Central Railroad Company against Price County, and from the decision of the Supreme Court of this State, in

the case of Jackson against LaMoure County, that the lands in this State, selected by the Northern Pacific Railroad Company for indemnity, lying more than forty, and not more than fifty, miles from the main line of said railroad company, cannot be taxed until such selections have been approved by the honorable Secretary of the Interior, which approval has not been given; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation, by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining, by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

Resolved, That the President of the United State be and he is hereby respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

Resolved, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Secretary of State to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

Which the Senate has passed, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

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

MR. SPEAKER:

Five of your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

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

FRED. DENNETT,
C. J. CHRISTIANSON,
J. A. DOUGLAS,
JNO. E. HODGSON,
W. J. SKINNER,

Also, the following report on the same bill:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto,

Have had the same under consideration and a majority recommend that the same do pass with the following amendments:

That all of Section 6, relating to license be stricken out, and that the words "and Chapter -- of the Laws of 1890," in Section 15 be stricken out.

D. C. TUFTS,
Chairman.

Mr. Oliver moved

That the third reading and final passage of House Bill No. 212 be made a special order for Tuesday at 3 o'clock p. m.,
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

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

GEO. H. FAY,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 147,

A bill for an act to repeal Section 2 of Chapter 88 of Laws of 1890, entitled "An Act providing for a lien upon threshing engines or separators for repairing the same,"

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

Also, the following majority and minority reports on House Bill No. 155:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines,"

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

O. S. WALLEN,
Chairman.

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines,"

And the minority recommend that the same do not pass.

O. S. WALLEN,
D. C. CUNNINGHAM,
JOHN YEGEN,

Minority.

Mr. Williams moved

To adopt the report of the Committee on Agriculture on House
Bill No. 147,

Which motion was lost.

The Joint Committee on County Officers' Salaries made the
following report:

MR. SPEAKER:

Your Joint Committee on County Officers' Salaries to whom
was referred

House Bill No. 74,

A bill for an act to amend Sections 4, 5 and 8 of the Special
Laws of 1885," entitled "An act prescribing the duties and regu-
lating the salaries of the county treasurer and register of deeds
for Grand Forks county, D. T.,"

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

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers,
and to provide for the payment of the same,

And recommend that the same be amended as follows:

That in line 11 of the printed bill the figures "\$10,000" be changed to
"\$20,000."

That in line 27 of the printed bill the figures "\$8,000,000" be changed to
"\$9,000,000."

Also, in line 28 of the printed bill the figures "\$8,000,000" be changed to
"\$9,000,000."

That in line 29 of the printed bill the figures "\$10,000,000" be changed to
"\$12,000,000."

And in line 30 the figures "\$10,000,000" be changed to "\$12,000,000."

In line 30 of the printed bill, after the word "fees," strike out the words
"per centage," and insert in lieu thereof the words "for certifying to abstracts."

And when so amended recommend that the same do pass.

H. S. OLIVER,
Chairman.

Mr. Walton moved

That the majority report on House Bill No. 155, be adopted,
Which motion prevailed.

The Joint Committee on County Officers Salaries made the following report:

MR. SPEAKER:

Your Joint Committee on County Officers Salaries to whom was referred

House Bill No. 132,

A bill for an act regulating the salary of County Auditor,

Have had the same under consideration and beg leave to report the following substitute bill:

SUBSTITUTE FOR HOUSE BILL NO. 132.

A Bill For An Act Fixing the Salaries of County Auditor and Register of Deeds and for the Repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887.

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

SECTION 1. The salary of the County Auditors in the State of North Dakota shall be regulated by the value of the property in their respective counties as fixed by the State Board of Equalization for the preceding year as follows: The County Auditor shall be entitled to receive four mills on the first \$100,000 and one mill on the next \$300,000 and one-third of one mill on all sums in excess of said first named amounts and not exceeding \$2,000,000, and one-fifth of one mill on all sums exceeding \$2,000,000; *Provided*, that no County Auditor shall receive for his personal services an amount to exceed \$2,000 in any one year; *Provided further*, That such officer shall not be required to account for fees for certifying to deeds; *Provided further*, That all fees received by said officer in excess of the above provisions of this act shall be paid into the salary fund of the county at the end of each month.

SEC. 2. If in the judgment of the board county commissioners of any county it shall be deemed necessary for the prompt and accurate dispatch of the business of auditor's office that clerks or deputies be employed therein, they shall authorize the same, and the allowance for such clerk hire shall be paid in the same manner as all other similar claims against the county, and in no case shall the auditor be allowed such clerk hire unless such services have been actually rendered.

SEC. 3. The register of deeds shall be entitled to receive a salary not to exceed \$2,000 per annum, as provided in this act, to be paid monthly from the special salary fund, on the warrant of the county auditor; *Provided*, That the said officer may retain for his own use and account all fees for making and certifying to abstracts.

SEC. 4. Each register of deeds shall keep a book, to be provided by the county, and which shall be a part of the public records of his office, in which shall be entered each item of fees for services rendered, and shall, within three days after the close of each calendar month and also at the end of his term of office, file with the county auditor a statement under oath showing the fees which he has received as such officer since the date of his last report, and also within three days deposit with the county treasurer the total sum of such fees, which sum so deposited shall be placed to the credit of the special salary fund. Any register of deeds who shall neglect or omit to charge or collect the fees allowed by law for services rendered, or shall fail or neglect to keep a record of the same, or to make a correct statement thereof to the county auditor, with the intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor.

SEC. 5. In case the fees paid into the county treasury by the register of deeds shall not equal his salary as fixed herein, then and in that case such offi-

cer shall only be entitled to receive a sum equal to the fees paid into the treasury; and *Provided, further*, That in case there may be a deficiency in the salary of such officer for any month or fractional month, the deficiency shall be made up from any excessive fees that may be paid into the county treasury by such officer for services rendered during the calendar year in which such deficiency occurred.

SEC. 6. If in the judgment of the board of county commissioners of any county in the State it shall be deemed necessary for the prompt and accurate dispatch of business in the office of register of deeds that deputies or clerks be employed therein, they shall, by resolution, fix the number of clerks to be employed and the compensation which they shall receive, which compensation shall be paid monthly from the special salary fund by warrant; *Provided*, That the officer in whose office such deputies or clerks are to be employed shall have the sole power of appointing the same and removing them at pleasure; *Provided, further*, That the total amount paid to the register of deeds for salary and clerk hire shall not exceed the amount of fees by such officer collected, and in no case to exceed the sum of \$5,000; *Provided, further*, That any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed any clerk employed under the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 7. Sections 1, 2, 3, 4 and 5 of Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887, are hereby repealed.

And recommend that the same do pass.

H. S. OLIVER,
Chairman.

Also,

House Bill No. 98,

A bill for an act regulating the salary of county auditors.

And recommend that the same be indefinitely postponed.

H. S. OLIVER,
Chairman.

Mr. Strom moved

To adopt the report of the committee on House Bill No. 98,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Committee on County Officers Salaries to whom was referred

House Bill No. 108,

A bill for an fixing the salaries of county auditors,

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

H. S. OLIVER,
Chairman.

Mr. Cope moved

To adopt the report of the Joint Committee on County Officers' Salaries on House Bill No. 108,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your committee on County Officers' Salaries to whom was referred

House Bill No. 107,

A bill for an act fixing the salaries of county auditors,

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

H. S. OLIVER,
Chairman.

Mr. Hanson moved

To adopt the report,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Committee on County Officers' Salaries to whom was referred

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887.

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

H. S. OLIVER,
Chairman.

Mr. Strom moved

To adopt the report,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Committee on County Officers' Salaries to whom was referred

House Bill No. 211,

A bill for an act fixing the salary of county treasurer,

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

H. S. OLIVER,
Chairman..

Mr. McKendry moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Committee on County Officers' Salaries to whom was referred

House Bill No. 30,

A bill for an act fixing the salaries of county officers,

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

H. S. OLIVER,
 Chairman.

Mr. Graber moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

The Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Committee on County Officers' Salaries to whom was referred

House Bill No. 75,

A bill for an act fixing the salaries of county treasurers and registers of deeds,

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

H. S. OLIVER,
 Chairman.

Mr. Strom moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

REPORTS OF SELECT COMMITTEES.

The Special Committee on Prairie Fires made the following report:

MR. SPEAKER:

Your Special Committee on Prairie Fires to whom was referred

House Bill No. 42,

A bill for an act making railroad companies liable for damages caused by fire,

Have had the same under consideration and recommend that the same be amended as follows by adding as Section 2 the following:

It is hereby made the duty of the state's attorney in all counties to prosecute all cases to which this act applies in the name of the State of North Dakota,

And when so amended recommend that the same do pass.

JOHN YEGEN,
Chairman.

Mr. Holritz moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The Joint Committee on Revenue and Taxation made the following report:

MR. SPEAKER:

Your Joint Committee on Revenue and Taxation to whom was referred

House Bills Nos. 95, 214, 14, 13, 16 and 81, and Senate Bills Nos. 13, 37, 104, 144 and 151,

Have had the same under consideration, and beg leave to submit for your consideration the accompanying bill, which, in our judgment, embodies the essential points in the above bills:

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

And recommend that the same do pass.

Also,

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid tax sales,

And recommend that the same do pass.

FRANK WHITE,
Chairman.

The Joint Committee on Education made the following report:

MR. PRESIDENT:

Your Joint Committee on Education to whom was referred

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

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

Also,

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

And recommend that the same do pass.

FRANK WHITE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Noltimier offered the following concurrent resolution:

CONCURRENT RESOLUTION

For a Memorial to Congress for a Law and Appropriation for the Establishment of a National Scientific Rain Bureau or College.

To the Honorable the Congress of the United States:

The people of the State of North Dakota in Legislative Assembly convened respectfully represent:

WHEREAS, Larger amounts of rainfall, when and where needed, are indispensable for insuring sure and bountiful crops, and

WHEREAS the \$200,000 appropriated by the last session of Congress for experimenting with the object of generating rain by scientific methods, is insufficient for the end in view;

Now, therefore, the people of this State do respectfully pray your honorable body may pass a law appropriating \$100,000, for the establishment of a National Scientific Rain Bureau or College in the City of Washington, with such branches throughout the country as may be deemed necessary; all to be under the jurisdiction of the Chief of the Weather Bureau, for the object of discovering, studying and making plain all the laws, conditions and causes of all atmospheric or climatic operations, particularly those of rainfalls, and for experimenting with the view, if compatible with the laws of nature, of producing the latter by scientific or other human methods, and for obviating as far as possible, all injurious atmospheric or climatic disturbances, and for teaching all the sciences involved in these things; thus transferring the Weather Bureau into a great, practical and useful educational system for the benefit of agriculture, and the enrichment and happiness of the people.

And we further pray that your honorable body pass a law offering large rewards to any person who may discover, if consistent with nature's mode of action, a sure, economical and practical system or systems for producing, by scientific methods or inventive skill, ample amounts of rainfalls, when and where needed, and also for preventing, as far as can be done, any or all unfavorable atmospheric or climatic changes.

Mr. Oliver moved

That the further reading of the resolution be dispensed with and that it be referred to the Committee on Temperance.

Mr. Strom moved as a substitute

That the resolution be read, and

The resolution was read.

Mr. Strom moved
 To adopt the resolution,
 Which motion prevailed, and
 The Concurrent Resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 February 21, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
 Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies.

Also,
 Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

Also,
 Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161, of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,

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

C. C. BOWSFIELD,
 Secretary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Williams introduced--
 House Bill No. 223,

A bill for an act repealing Chapter 20 of the Special laws of Dakota Territory for the year 1885,

Which was read the first time, and

Mr. Williams moved

That the rules be suspended and that the bill be read the second time and referred to its appropriate committee.

Which motion prevailed, and

House Bill No. 223, was read the second time and referred to the Committee on Judiciary.

Mr. Speaker called Mr. Brooke to the chair.

Mr. Lamb (by request) introduced--
 House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry and prescribing the duties thereof,

Which was read the first time, and

Mr. Lamb moved

That the rules be suspended and that the bill be now read the second time and referred to its appropriate committee,

Which motion prevailed, and House Bill No. 224,

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

The Joint Committee on Revenue and Taxation introduced

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto.

Mr. Strom moved

That the first reading of House Bill No. 225, be deferred until the same shall be printed,

Which motion prevailed.

Mr. Lamb moved

That 200 extra copies of House Bill No. 225 be printed for distribution among the members,

Which motion was lost.

The Joint Committee on Revenue and Taxation introduced—

House Bill No. 226,

A bill for an act to amend Section 3, Chapter 100, of the Laws of 1890, being an act to amend Articles 4 and 9 and 16 of Chapter 73, of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Which was read the first time.

Also,

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890, being an act authorizing counties to fund outstanding indebtedness,

Which was read the first time.

Mr. Ebbinghausen introduced—

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated, Cities, Towns and Villages,

Which was read the first time.

Substitute for House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies.

Was read the first time.

Mr. Gill moved

That 200 extra copies of substitute for House Bill No. 65, be printed,

Which motion prevailed.

Substitute for House Bill No. 203,

A bill for an act to amend Section 16 of an act entitled "An act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of North Dakota," Chapter 108, Session Laws of 1890,

Was read the first time.

Substitute for House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled, "Bounty for Wolf Scalps."

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 219;

A bill for an act to amend Section 55 of Chapter 21 of the Political Code, Revised Statutes 1877, Territory of Dakota,

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

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

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

House Bill No. 222,

A bill for an act to amend an act to prohibit prize fighting and sparring matches,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
February 21, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and attorney in relation thereto,

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

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Which was recalled from the Governor for the purpose of amending, as follows:

After the word "to," and before the word "any," insert the words "charge either for himself or for the county,"

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 21, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have this day approved House Bill No. 97,

An act, entitled "An Act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,"

Very respectfully,
ANDREW H. BURKE,
Governor.

Mr. Skinner moved

That 200 extra copies of House Bill No. 225 be printed,

Which motion prevailed.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Also,

House Bill No. 22,

A bill for an act to amend Section 1, Chapter 157 of the Laws of 1890, entitled "Bounty for Wolf Scalps,"

Also,

House Bill No. 203,

A bill for an act to amend Section 16, of an act entitled "An

act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota," Chapter 108, Session Laws of 1890.

And find the same correctly engrossed.

JOHN BURKE,
Chairman,

THIRD READING OF HOUSE BILLS.

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

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

The question being upon the passage of the bill as amended,
The roll being called there were ayes 49, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Noltmier,
Bjornson,	Gill,	Peabody,
Brooke,	Graber,	Richie,
Brown,	Haight,	Satterlund,
Burke,	Hanson,	Smith,
Burton,	Havrevold,	Strom,
Christianson,	Hill,	Thompson,
Colosky,	Hodgson,	Triplett,
Cunningham,	Holritz,	Tufts,
Daniel,	Horgan,	Wallen,
Dennett,	Kearney,	Watson,
Douglas,	Lamb,	Ward,
Ebbighausen,	Larson,	Watson,
Erickson,	Loring,	Williams,
Farrab,	Lutz,	Yegen,
Fay,	McCulloch,	Mr. Speaker.
Fiske,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
McKendry,	Peterson,	White.
Oliver,	Skinner,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Davis,	Loomis.
Cope,	Hall,	Osgood.
Daily,	Holte,	

Mr. Axvig being excused.

So the bill passed and the title was agreed to.

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

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

The question being upon the passage of the bill,
The roll being called there were ayes 36, nays 17.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Colosky,
Cope,
Cunningham,
Davis,
Dennett,
Erickson,
Farrab,
Graber,

Messrs—

Haight,
Hanson,
Havrevold,
Hill,
Holritz,
Lamb,
Larson,
Loring,
Lutz,
McKendry,
Noltmier,
Oliver,

Messrs—

Richie,
Satterlund,
Skinner,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brooke,
Daniel,
Douglas,
Ebbighausen,
Fay,
Fiske,

Messrs—

Gill,
Hodson,
Horgan,
Kearney,
McCulloch,
Peabody,

Messrs—

Peterson,
Smith,
Watson,
White,
Yegen.

Absent and not voting:

Messrs—

Axvig,
Beardsley,
Christianson,

Messrs—

Daily,
Foss,
Hall.

Messrs—

Holte,
Loomis,
Osgood.

Mr. Axvig being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 21, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has refused to concur in the House amendments to Senate Bill No. 66, and that Messrs. McCormack of Grand Forks, Bidlake and Fuller have been appointed as the Senate members of a Conference Committee to consider such amendments.

C. C. BOWSFIELD,
Secretary.

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota.

Was read the third time, and

Mr. Kearney asked unanimous consent to amend the bill as fol-

lows: Make the dates for reports February 1st, May 1st, August 1st and November 1st,

Which consent was given, and
The bill was so amended.

Mr. Gill moved

That the bill be made a special order for Thursday, February 25th, at 3 o'clock p. m.

Mr. White moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn, and

Mr. Gill's motion prevailed, and

The bill was made a special order.

Mr. Lutz moved

That the Speaker be requested to appoint a conference committee of four on Senate Bill No. 66,

Which motion prevailed, and

Mr. Speaker appointed as such committee on the part of the House, Messrs. Richie, Brown, Lutz and Walton.

Mr. Speaker called Mr. Oliver to the Chair.

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein,

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

The question being upon the passage of the bill,

The roll being called there were ayes 44, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Fiske,	Noltmier,
Brooke,	Foss,	Oliver,
Brown,	Gill,	Peabody,
Burke,	Graber,	Peterson,
Burton,	Haight,	Skinner,
Christianson,	Hanson,	Smith,
Colosky,	Havrevold,	Strom,
Cope,	Hill,	Thompson,
Cunningham,	Hodgson,	Tripplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Ward,
Dennett,	Lamb,	Watson,
Douglas,	Larson,	White,
Erickson,	Lutz,	Yegen.
Fay,	McCulloch,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Holritz,	McKendry,
Farrah,	Loring,	Richie.

Absent and not voting:

Messrs—

Axvig,
Daily,
Ebbighausen,
Hall,

Messrs—

Holte,
Loomis,
Osgood,
Satterlund,

Messrs—

Wallen,
Walton,
Williams,
Mr. Speaker.

Mr. Axvig being excused.

So the bill passed and the title was agreed to.

Mr. Havrevold moved

That when the House adjourns it be to take a recess until Tuesday at 2 o'clock p. m.,

Which motion prevailed.

Mr. Bjornson moved

That the rules be suspended, and that Senate Bill No. 12 and Senate Bill No. 125 be now read the third time and placed upon their final passage,

Which motion prevailed.

Mr. Thompson moved

That the House do now adjourn,

Which motion was lost.

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70, inclusive, of Article 6, and Sections 91 to 101, inclusive, of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Was partially read the third time, and

Mr. Burke moved

That the House do now adjourn.

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Speaker appointed as the Committee to examine and correct the Journal of the forty-seventh day Messrs. Brooke, Erickson and Fiske.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 24, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock.

Also,

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also,

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota.

Also,

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed.

Also,

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887.

Also,

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith.

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School."

Also,

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers.

Also,

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota,

All of which the Senate has passed and your favorable consideration thereof is respectfully requested.

Also,

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,

Which the Senate has amended by adding the words "and labor" after the words "Commissioner of Agriculture" whenever they occur in said bill.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

Amended by inserting the word "State" before the word "auditor" whenever it occurs in said bill,

And your concurrence therein is respectfully requested.

Also, to inform you that the Senate has concurred in the House amendments to Senate Bill No. 45,

And has passed the bill as so amended.

C. C. BOWSFIELD,
Secretary.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Brooke presented the following petition:

Petition of the residents of that portion of township 151 north, of range 62, west of the 5th principal meridian, which is now in the county of Benson, State of North Dakota, to the Legislative Assembly of North Dakota, asking that a law may be enacted authorizing the legal voters of said territory to vote on the question of annexation to Ramsey county.

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

We, the undersigned, residents of that portion of township 151 north, of range 62 west, situated in the county of Benson, North Dakota, respectfully petition your honorable bodies, asking that a law be enacted authorizing us to vote on the question of annexation to Ramsey county, North Dakota, for the reason that we are bounded on the north by Ramsey county, on the east by Nelson county, and on the west by the Cut Head Indian reservation, which is located in Benson county; that we should naturally be a part of Ramsey county, as we are only from 8 to 14 miles from the nearest railroad station in said Ramsey county, and 25 miles from the county seat of said Ramsey county, while we are 50 miles from our present county seat in Benson county, with the large Indian reservation intervening throughout this whole distance, settled sparcely by Sioux Indians, with whom we have nothing in common.

FRANK W. PAYTON,
and 6 others.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code.

Also,

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid tax sales.

Also,

House Bill No. 147,

A bill for an act to repeal Section 2 of Chapter 88 of Laws of 1890, entitled "An Act providing for a lien upon threshing engines or separators for repairing the same,"

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Foss presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

We, the undersigned voters and residents of Park River, hereby urgently request you to oppose by your vote and influence in the Legislature, and by all other means in your power, any and all repeal of the penalty clauses now attaching to the sale of intoxicating liquors in this State.

Dated at Park River this 16th day of February, 1891.

J. MORLEY WARD,
and 70 others.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the forty-seventh day report that they have examined the same and recommend that the following words, omitted by the printer, be added at the end of Section 6 of the substitute for House Bill No. 132: "The provisions of this act shall not be construed to reduce the salary of any officer already elected during the term for which said officer was elected;" and with such correction recommend that the Journal be approved.

E. E. DAILY,
Chairman.

Mr. Graber moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Lutz moved
That the House concur in the Senate amendments to House Bill No. 9, House Bill No. 25 and House Bill No. 67,
Which motion prevailed.

The question being upon the passage of House Bill No. 9 as amended,

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Noltimier,
Beardsley,	Foss,	Osgood,
Bjornson,	Gill,	Peabody,
Brooke,	Graber,	Peterson,
Brown,	Haight,	Satterlund.
Burke,	Hanson,	Skinner,
Burton,	Havrevold,	Smith,
Colosky,	Hill,	Strom,
Cope,	Hodgson,	Thompson,
Cunningham,	Holte,	Triplett,
Daily,	Holritz,	Tufts,
Daniel,	Horgan,	Wallen,
Davis,	Kearney,	Walton,
Dennett,	Lamb,	Ward,
Douglas,	Loomis,	Watson,
Ebbighausen,	Loring,	White,
Erickson,	Lutz,	Williams,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Larson,	Richie.
Hall,	Oliver,	

Mr. Christianson being excused.

So the bill as amended passed and the title was agreed to.

The question then being upon the passage of House Bill No. 25 as amended.

Mr. White moved

That the vote by which the House concurred in the Senate amendments to House Bill No. 25 be reconsidered,
Which motion prevailed.

Mr. White moved

That the House do not concur in the Senate amendments to House Bill No. 25,
Which motion prevailed.

Mr. Oliver moved

That the Speaker appoint a committee of three to confer with a committee of two from the Senate to settle the differences on House Bill No. 25,

Which motion prevailed, and

Mr. Speaker appointed as such Committee, Messrs. Oliver, White and Holritz.

The question then being upon the passage of House Bill No. 67 as amended.

The roll being called there were ayes 58, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Gill,	Osgood.
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hanson,	Richie,
Burke,	Havrevold,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Hodgson,	Smith,
Colosky,	Holte,	Strom,
Cope,	Holritz,	Thompson,
Cunningham,	Horgan,	Triplett,
Daily,	Kearney,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Ebbighausen,	McCulloch,	White,
Erickson,	McKendry,	Williams,
Fay,	Noltimer,	Yegen,
Fiske,	Oliver,	Mr. Speaker.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Lutz.
Farrah,		

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

Mr. Speaker announced his signature to Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year.

Also,

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor.

Also,

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake.

Also,

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales.

Also,

Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home.

Also,

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota.

Also,

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same.

Also,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

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

Strike out the figures "80" wherever they appear in Section 1, and insert in lieu thereof the figures "85."

Also, strike out in first and second lines of Section 1 the words "that railroad companies," and insert in lieu thereof "that any railroad company or railroad companies."

Recommend the following substitute for Section 2:

Sec. 2. Any railroad company which neglects or refuses to comply with Section 1 of this act after requested so to do by the party or parties desiring shipment of coal shall pay to the party or parties desiring shipment thereof all actual damage which said party or parties may sustain by reason of the neglect or refusal by said railroad company to ship or carry coal as provided in Section 1 hereof, and in addition to the actual damage sustained by the party or parties so aggrieved said railroad company shall pay as exemplary damages to said party or parties aggrieved the sum of twenty-five (25) dollars per day for each and every day that it (said railroad company) fails, neglects or refuses to comply with the provisions of Section 1 of this act after requested so to do, said damages, actual and exemplary, to be recovered by the party or parties aggrieved by civil action in any court of competent jurisdiction.

Also recommend the following substitute for Section 3:

Sec. 3. It shall be the duty of the Commissioners of Railroads to enforce the provisions of Section 1 of this act in any court of competent jurisdiction in the name of the State of North Dakota on the relation of the Commissioners of Railroads as plaintiff, and the provisions of Section 2 shall not effect in any manner the enforcement of Section 1 as provided in this section.

And when so amended recommend that the same do pass.

A. N. Foss,
Chairman.

Mr. Foss moved
To adopt the report,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Gill offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring: The following proposition to amend the Constitution of the State of North Dakota is hereby submitted to the Third Session of the Legislative Assembly of the State of North Dakota, to be by them submitted to the qualified electors of this State for approval or rejection, namely:

The Constitution of the State of North Dakota is hereby amended by striking out that part of Section 84 of Article 3, which relates to the salary of the Lieutenant Governor and insert in lieu thereof the following: "The Lieutenant Governor shall receive an annual salary of five hundred (500) dollars per annum."

Mr. Axvig moved
To adopt the resolution,
Which motion prevailed, and
The Concurrent Resolution was adopted.

Mr. Gill withdrew the resolution with the consent of the House.

Mr. Speaker called Mr. Richie to the Chair.

UNFINISHED BUSINESS.

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40,

55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Was read the third time and placed upon its final passage,
The question being upon the passage of the bill,
The roll being called there were ayes 45, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Noltimier,
Bjornson,	Foss,	Oliver,
Brooke,	Gill,	Osgood,
Brown,	Graber,	Peabody,
Burke,	Haight,	Peterson,
Burton,	Hall,	Richie,
Colosky,	Havrevold,	Satterlund,
Cope,	Hill,	Skinner,
Daily,	Hodgson,	Strom,
Daniel,	Holte,	Thompson.
Davis,	Holritz,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Erickson,	Lutz,	White,
Fay,	McKendry.	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Horgan,	McCulloch,
Cunningham,	Kearney,	Smith,
Farrar,	Lamb,	Tufts.
Hanson,	Larson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Triplett,	Williams,
Ebbighausen,	Wallen,	Mr. Speaker.

Mr. Christianson being excused.

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

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Was partially read the third time, and

Mr. Oliver moved

That the further consideration of the bill be postponed until next Monday.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 212, made a special order for 3 o'clock p. m.,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto,

Was read the third time.

Mr. Oliver moved

To amend the title by striking out the word "inspection,"

Which motion was lost.

Mr. Richie moved

To amend the bill by striking out all after the enacting clause down to Section 15.

Mr. Strom moved as a substitute

That the rules be suspended, and that the bill be read section by section and amended,

Which substitute was accepted, and

The question being on the substitute motion,

The substitute motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 24, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public offices of the State,

Which the Senate has passed unchanged.

Also, that the Senate has concurred in the House amendments to Senate Bill No. 100, and has passed the bill as so amended.

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Richie moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 212,

Which motion prevailed, and

Mr. Speaker called Mr. Skinner to the Chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

And report that they have considered the same section by section, and

Recommend that Section 1 be adopted.

Also, recommend that Section two be amended as follows:

In line 4 strike out the word "inspection" and the word "grading" and in line 5 strike out the words "and inspection;" and in the caption clause strike out "in-pection" and "grading."

Also, recommend that Section 3 be adopted.

Also, recommend that the following be substituted for Section 4:

SEC. 4. All buildings, elevators or warehouses in this State, erected and operated, or which may hereafter be erected and operated, by any person or persons, association, copartnership, corporation or trust, for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses, and the person or persons, association, copartnership, corporation or trust owning or operating said building or buildings, elevator or elevators, warehouse or warehouses, which are now, or may hereafter be, located or doing business within this State as above described, whether said owners or operators reside within this State or not, are public warehousemen within the meaning of this act; and none of the provisions of this act shall be construed so as to permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to parties offering such grain for sale, storage or handling at such public warehouses while the same are in operation.

Also, recommend that Section 4 be amended as follows: In line 4, printed bill, strike out the word "securities," and insert in lieu thereof the word "sureties."

Also, recommend that Section 4 be further amended as follows: Insert after the word "sureties," in line 4, the words "to be approved by said Commissioners of Railroads."

Also, recommend that Section 4 be further amended as follows: In lines 8 and 10, after the word "elevator," insert the words "or warehouse."

Also, recommend that the section be further amended by inserting the words "or trust" after the word "corporation" wherever it appears in the section.

Also, recommend that Section 6 be stricken out.

Also, recommend that Section 7 be stricken out.

Also, recommend that Section 8 be amended as follows: In line 1, strike out the words "so licensed."

Also, recommend that Section 9 be adopted.

Also, recommend that the words "or trust" be inserted after the word "corporation" in line 2 of Section 10.

Also, recommend that the word "trust" be inserted after the word "firm" in line 2 of Section 11.

Also, recommend that Section 12 be adopted.

Also, recommend that Section 13 be adopted.

Also, recommend that Section 14 be amended as follows:

After the word "association" insert the words "firm, trust;" also, in line 10 strike out the words "state's prison" and insert the words "state penitentiary."

Also, recommend that Section 15 be amended as follows:

In line 4 strike out the words "and Chapter — of the Laws of 1890."

And when so amended recommend that the bill do pass, with Sections 6 and 7 as they appear in the original bill.

W. J. SKINNER,
Chairman.

Mr. Oliver moved
To adopt the report.
Roll call demanded.

The roll being called there were ayes 29, nays 27.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Peabody,
Beardsley,	Haight,	Peterson,
Bjornson,	Hill,	Skinner,
Burton,	Hodgson,	Strom,
Davis,	Holritz,	Wallen,
Dennett,	Loring,	Ward,
Douglas,	Lutz,	White,
Erickson,	McCulloch,	Williams,
Fay,	McKendry,	Yegen.
Fiske,	Oliver,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hanson,	Osgood,
Burke,	Havrevold,	Richie,
Cope,	Holte,	Smith,
Cunningham,	Horgan,	Thompson,
Daily,	Kearney,	Triplett,
Daniel,	Lamb,	Tufts,
Ebbighausen,	Larson,	Walton,
Gill,	Loomis,	Watson,
Graber,	Noltimier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Colosky,	Hall,
Christianson,	Farrah,	Satterlund.

Mr. Christianson being excused.

And so the motion prevailed, and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 24, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

The House Concurrent Resolution for a Memorial to Congress for an appropriation for the establishment of a National Scientific Rain Bureau or College,

Which the Senate has adopted with the following amendments:

Strike out the figures "\$200,000" in line 16, and insert in lieu thereof the figures "\$2,000."

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. White moved

That House Bill No. 191, be recommitted to the Committee on Education,

Which motion prevailed, and

The bill was adopted.

Mr. Beardsley moved,

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fiftieth day report that they have examined the same and report it to be correct, except that on page 1 [522] where the word "forty-seventh" appears it should be "fiftieth."

JAS. V. BROOKE,
Chairman.

Mr. Graber moved

To adopt the report

Which motion prevailed, and

The report was adopted.

Mr. Speaker continued the same Journal committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 25, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 135,

A bill for an act to appropriate money for the relief of destitute persons in North Dakota.

Also,

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife."

Also,

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877,

All of which the Senate has passed, and your favorable consideration thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Sheep Husbandry made the following report:

MR. SPEAKER:

Your Committee on Sheep Husbandry to whom was referred
House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An Act indemnifying the owners of sheep in case of damage by dogs and creating a fund to pay for the same by a tax on dogs,"

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

Also,

House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An act indemnifying the owners of sheep in case of

damage by dogs, and creating a fund to pay for the same by a tax on dogs,

And recommend the passage of the following substitute bill:

A BILL

For an Act to Provide for the Licensing of Dogs and Indemnifying the Owners of Sheep and Other Stock in Case of Damage by Dogs and Creating a Fund to Pay for the Same by a Dog License.

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

SECTION 1. It shall be the duty of every assessor of this State at the time of listing the property of his district to list every dog over three months old in the name of the owner thereof, without fixing any value thereto, together with a description as to color and sex of each dog. Any person keeping or harboring a dog or dogs shall be deemed the owner thereof within the meaning of this act. The assessor shall also include in his report the names of such persons, if any, who fail or refuse to comply with the provisions of this act.

SEC. 2. The assessor shall for each male dog so listed collect from the owner thereof the sum of two (2) dollars and for each female dog the sum of five (5) dollars per annum as a license fee, and he shall furnish to the owner of each dog so licensed a metallic tag on which shall be stamped a number corresponding with the number of the license issued to said owner (which license the assessor shall issue upon the payment of the legal fee) and the year for which the same is issued, which tag shall be by the owner firmly attached to a substantial collar, and said collar shall be worn by said dog at all times; *Provided*, That the owner may remove said collar from his dog while using said dog for hunting or other purposes when under his immediate control.

SEC. 3. The assessor within five days after completing his assessment shall file with each peace officer of his district—retaining a record thereof himself—a copy of the lists made by him as provided in Section 2 of this act, and shall pay all money so collected, after deducting his legal fees, into the county treasury, accompanied by a similar list as furnished peace officers. The fees so collected and paid over to the county treasurer shall be held by him as a sinking indemnity fund for the payment of damages arising from the killing or injuring of sheep or other stock by dogs in said county, as hereinafter provided.

SEC. 4. All dogs over three months old not having on a collar and tag as provided in Section 2 of this act shall be deemed a public nuisance, and it is hereby made the duty of each and every peace officer, at any time after the completion and filing of the lists as provided in this act to kill and bury all such dogs.

SEC. 5. Each assessor shall retain for his services in listing and licensing dogs the sum of twenty-five (25) cents for each male and fifty (50) cents for each female so licensed. Each peace officer shall receive for killing and burying each dog according to law one (1) dollar, to be paid by the county treasurer out of the indemnity fund as provided in this act; said fee shall be allowed by the county commissioners when presented with a certificate of proof attested by a justice of the peace of that county, before whom full and sufficient evidence shall have been given that said dog was killed in that county and that no tax had been paid thereon.

SEC. 6. The owner or possessor of any dog that shall kill or wound any sheep or other stock shall be liable for the value of such sheep or other stock to the owner thereof without proving notice to the owner of such dog or knowledge by him that his dog was mischievous or disposed to kill or injure sheep or other stock.

SEC. 7. The owner or his authorized agent of any sheep or other stock that may be killed or injured by any dog or dogs may apply within ten days after such damage is discovered to any peace officer or assessor of the county, who shall inquire into the matter and view the sheep or other stock injured or killed, and may examine witnesses in relation thereto for which purpose he

shall have power to administer oaths. If such peace officer is satisfied that the same were killed or injured by dogs only, and in no other manner, he shall certify such fact, the number of sheep or other stock so killed or injured, and the amount of damage sustained thereby by the owner thereof together with the value of the sheep or other stock so killed or injured.

SEC. 8. The said certificate shall be presumptive evidence of the facts therein contained in any suit that may be brought by the party injured against the owner of any dog if it shall appear on the trial or suit that notice in writing of the time and place of such view shall have been served on said owner or his authorized agent the same as summons are served at least twenty-four hours before such view.

SEC. 9. If the party sustaining any damage by reason of dogs cannot discover the owner of the dog by which said damage was done, or shall fail to recover the damage sustained by reason of the injury or killing of any sheep or other stock against such owner, he may apply to the board of county commissioners, and upon producing to them the aforesaid certificate, made as provided for in Section 7 of this act, and his own affidavit that he has not been able to discover such owner, or that he has failed to recover his damages from such owner, the said county commissioners shall consider the same, and if proof is deemed sufficient shall draw their warrant upon the county treasurer for the amount adjudged to be due by them.

SEC. 10. If it shall be made to appear to the county commissioners of any county that the owner of any dog which shall have caused damage is not a resident of the county in which the damage was done, they shall certify the facts to the board of county commissioners of the county where said owner does reside, which board shall thereupon draw their warrant on their county treasurer for the amount so certified.

SEC. 11. Whenever the board of county commissioners of any county shall have paid the claim of any person who has obtained a judgment against any person for damage done to sheep or other stock by dogs, they shall take an assignment of such judgment in favor of the county treasurer, and it shall be their duty to have said judgment satisfied as soon as may be, and the amount recovered covered into the county treasury in lieu of the claim paid.

SEC. 12. The owner of any licensed dog to whom notice shall be given of any injury done by his dog to sheep or other stock, or of his dog having chased or worried any sheep or other stock, shall, within forty-eight hours after such notice, cause such dog to be killed or removed from the town.

SEC. 13. The owner of any dog shall be liable for any damage which may be sustained by reason of the viciousness of said dog.

SEC. 14. Any person refusing to comply with the provisions of this act, or any peace officer who shall fail to perform the duties imposed by this act, shall be deemed guilty of misdemeanor and shall be fined in a sum not less than twenty-five (25) dollars nor more than one hundred (100) dollars.

SEC. 15. If on the 1st day of January of any year there shall be in the treasury of any county to exceed five hundred (500) dollars of the aforesaid indemnity fund, said excess shall be turned into the general fund of said county.

SEC. 16. Whereas, there is no law providing for the licensing of dogs, an emergency exists; therefore, this act shall be in force from and after its passage and approval.

SEC. 17. All acts or parts of acts in conflict with this act are hereby repealed.

JOHN A. DAVIS,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 190,

A bill for an act providing for the attendance of the county physician of each county upon all persons who may desire such attendance and who reside in such county or counties attached thereto for judicial purposes,

Have had the same under consideration and recommend that the following substitute bill do pass:

SUBSTITUTE FOR HOUSE BILL NO. 190.

A Bill for an Act Compelling County Physicians of each County to Attend and Render Medical Assistance to all Persons in their Respective Counties who are Unable to Employ a Physician, and who may Need such Medical Attendance.

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

SECTION 1. It is hereby made the duty of county physicians to attend and render medical assistance to any and all persons in their respective counties who are unable to employ a physician upon receiving of an order from any of the county commissioners of such county.

SEC. 2. Any county physician neglecting or refusing to comply with the provisions of this act shall be guilty of a misdemeanor, and any person who shall apply for such medical assistance when able to employ a physician shall also be guilty of a misdemeanor.

SEC. 3. Whereas there is now no law compelling county physicians to render the medical attendance provided for in this act, then this act to be in force from and after its passage and approval.

GEO. H. FAY,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Have had the same under consideration and recommend the following amendments:

Amend Section 1, line 2, printed bill, by striking out the word "five" and inserting the word "three." Strike out the word "three" and insert the word "two."

Amend line 4 by striking out the word "two" and inserting the word "twenty-one."

Amend Section 2 by striking out all of line 16, after the word "certified."

Also, strike out all of line 17, and all of line 18 up to the word "said."

Strike out all of Section 3 and insert the following:

SEC. 3. Each of said committee so appointed shall receive for all such service performed under the provisions of this act, the sum of \$2,500, and the State Auditor is hereby directed to draw warrants quarterly upon the State Treasurer for the amount due each of said committee; said warrants to be approved by the Governor, as shown by duly verified vouchers filed by each of said committee. And the said committee, when organized, are hereby authorized to employ a competent clerk, who shall receive for his services the sum of \$1,000, to be paid by the Treasurer upon the warrant of the State Auditor, duly approved by the Governor.

Also, strike out all of Section 4.

And when so amended recommend that the same do pass.

GEO. H. FAY,
Chairman.

Mr. Oliver moved
 To adopt the report,
 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. 223,

A bill for an act repealing Chapter 20 of the Special laws of
 Dakota Territory for the year 1885,

Have had the same under consideration and recommend that
 the same be referred to the members from Grand Forks county.

GEO. H. FAY,
 Chairman.

Mr. Walton moved
 To adopt the report,
 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. 219,

A bill for an act to amend Section 55 of Chapter 21 of the Po-
 litical Code, Revised Statutes 1877, Territory of Dakota,

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

GEO. H. FAY,
 Chairman.

Mr. Brooke moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely post-
 poned.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
 House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund
 for the purpose of encouraging immigration,

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

Also,
 House Bill No. 220,

A bill for an act to provide for the publication and distribution
 of 500 copies of the revenue law as amended,

And recommend that the same be amended as follows:

That Section 1 be amended by striking out the words and figures "March 15th" and inserting in lieu thereof the words and figures "March 30th,"

And when so amended recommend that the same do pass.

Also,

House Bill No. 218,

A bill for an act defining the responsibility of persons operating steam threshing machines,

And recommend that the same do pass.

Also,

Senate Bill No. 23,

A bill for an act to provide for a Board of State canvassers,

And recommend that the same be amended as follows:

That Section 1 be amended to read as follows:

The Governor, Chief Justice, Secretary of State, Auditor and Attorney General shall constitute the Board of State Canvassers, three of whom shall be a quorum for the transaction of business, and if one only of said officers attend on the day appointed for a meeting of the board then he is hereby authorized to summons two others of the State officers who, on being notified by the officer so attending, shall attend without delay and with him shall form the board.

And when so amended recommend that the same do pass.

FRED DENNETT,
Chairman.

Mr. Strom moved

To adopt the report of the Committee on State Affairs on Senate Bill No. 23,

Which motion prevailed, and

The report was adopted.

The Joint Committee on Education made the following report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred

House Bill No. 18,

A bill for an act to amend Section 45 of Chapter 62, Session Laws of 1890,

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

Also,

House Bill No. 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public schools,

And recommend that the same do not pass.

Also,

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of an act entitled "An act to provide for a uniform system of free public

schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

And recommended that the same do not pass.

Also,

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

And recommend that the same be amended as follows:

That the word "distributed" in Section 94, line 90 of the printed bill be stricken out, and the words "to be apportioned" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

FRANK WHITE,
Chairman.

The Committee on Woman Suffrage made the following majority and minority reports on House Bill No. 222:

MR. SPEAKER:

Your Committee on Woman Suffrage to whom was referred House Bill No. 222,

A bill for an act to amend an act to prohibit prize fighting and sparring matches,

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

In lieu of the words "and as such shall be abated," after the word "nuisances" in line 3, Section 3, substitute the words "and such nuisances shall be abated."

And after the word "match" and before the word "and," in line 4, Section 7, insert the words "or print or display any scene or view of the same, or any picture or likeness of any of the principals or associates in or connected therewith."

And after the word "statement" and before the word "aforesaid," in line 6, Section 7, insert the words "or scene or likeness."

And when so amended recommend that the same do pass.

J. P. LAMB,
Chairman.

MR. SPEAKER:

Your Committee on Woman Suffrage to whom was referred House Bill No. 222,

A bill for an act to amend an act to prohibit prize fighting and sparring matches,

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

In line 1, Section 1, after the word "any" and before the word "person," insert the word "male."

In line 3, Section 1, after the word "more" and before the word "persons," insert the word "male."

In line 4, Section 1, after the word "fight," strike out the words "or a contention commonly called a sparring match, in which the combatants are provided with gloves."

In line 9, before the word "person" insert the word "male"; also, in the same line, strike out the word "contention."

In line 11, after the word "by," strike out the words "imprisonment in the common jail for a term of not less than six months nor more than five years," and insert the words "be hung by the neck until dead."

In line 1, Section 2, after the word "any," and before the word "person," insert the word "male."

In line 2, Section 2, strike out the words "encounter or contention."

In line 6, Section 2, after the word "by," strike out the words "imprisonment in the common jail for a term of not less than three months nor more than one year," and insert the words "banishment to Siberia or the Cannibal Islands."

In line 8, Section 2, strike out the word "both" and insert the word "all."

In line 1, Section 3, strike out the words "or where a contention."

In line 2, Section 3, strike out the words "known as a sparring match."

In line 3, Section 3, after the word "abated," insert the words "and confiscated"—this on account of euphony and poetic license.

In line 8, Section 4, after the word "conviction," insert the words "banished to the Dry Tortugas, or Oshkosh," or,

In line 9, Section 4, after the figures "\$1,000," insert the words "or all."

In line 14, Section 4, after the word "action," insert the words "and expatriated from the country that gave him birth."

In line 5, Section 5, before the word "be," insert the words "banished to Alaska or Kalamazoo, or both," and,

In line 11, Section 5, after the word "action," insert the words "and imprisoned in the Mandan Reform School when a building shall have been erected."

In line 5, Section 6, after the word "county," insert the words "or die in the attempt."

In line 4, Section 7, after the word "match," insert the words "or print or display any cheap-and-nasty-two-for-five-cents-pictures, or likenesses of any of the principals or witnesses to a diabolical and ungodly prize-fight, shall soak their heads and leave a much injured country."

In line 6, Section 7, after the word "statement," and before the word "aforesaid," insert the words "pictures or likenesses."

In line 8, Section 7, after the figures "\$1,000," insert the words "and be forever barred from the society of the gentle sex."

And that the bill when so amended be filed in the archives of the Rain or Rainbow Bureau of this State until Gabriel blows his horn.

G. G. BEARDSLEY,
Minority.

Mr. Fay moved
To adopt the minority report.

Mr. Lamb moved as a substitute
To adopt the majority report,
Which motion was lost.

The question recurring on the original motion,
The original motion prevailed, and
The minority 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. 159,
A bill for an act to amend Section 30, Chapter 132, of the Laws
of 1890,

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

The title be altered to read:

A bill for an act to amend Section 30, Chapter 132, of the Laws of 1890,
being an act entitled, "An act prescribing the mode of making assessments
and the levy and collection of taxes, and for other purposes relative thereto."

Amend Section 1 to read as follows:

SECTION 1. That Section 30 of Chapter 132 of the Laws of 1890, be, and
the same is hereby amended to read as follows:

"All counties or parts of counties in this State not organized into civil
townships shall be divided into assessor districts, which shall be the same as
the commissioner districts of said county, excluding organized civil townships,
and the assessor thereof shall be elected at the same time that State officers
are elected; *Provided*, That any vacancy may be filled by appointment by
the county commissioners. Each organized civil township in this State shall
constitute an assessor district, and annually at the time that other town
officers are elected; *Provided*, Any vacancy in township assessor may be filled
by appointment by the board of supervisors of said township where vacancy
exists; *Provided*, That cities organized under the General Laws of this State
shall not be included in the districts provided for in this Section, but assessors
of such cities shall not act with the board of county assessors in any of their
meetings.

All assessors of this State shall receive not to exceed three (3) dollars per
day for the time actually employed in making and completing said assessment
and collecting and compiling the statistics required by law, and for which blanks
may be provided by the State Statistician, but not to exceed one hundred (100)
dollars for assessing any one civil township and collecting and compiling the sta-
tistics thereof; *Provided, further*, That no person shall be eligible to be as-
sessor unless he is a voter in the district or township for which he is to be
assessor.

And when so amended recommend that the same do pass.

FRED DENNETT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Oliver moved

That the rules be suspended, and that Senate Bill No. 172 be
now read the first and second times and referred to its appropri-
ate committee,

Which motion prevailed, and
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161, of the Ses-
sion Laws of 1890, entitled "An act to create an institute for the
education of the deaf and dumb of North Dakota, and providing
for its support and management,

Was read the first and second times, and referred to the Com-
mittee on Judiciary.

Mr. Gill moved that House Bill No. 127 be recommitted to the Committee on Banking for amendment,
Which motion prevailed, and
The bill was recommitted.

UNFINISHED BUSINESS.

The final passage of Senate Bill No. 61, being unfinished business,

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary building for the North Dakota Normal School located at Valley City, North Dakota,

Was placed upon its final passage, and

The question being on the passage of the bill,

The roll being called there were ayes 37, nays 20.

Those who voted in the affirmative were:

Messrs—

Brooke,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Cunningham,
Daniel,
Dennett,
Ebbighausen,
Erickson,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Horgan,
Kearney,
Loomis,
Lutz,
McKendry,
Noltimier,
Oliver,

Messrs—

Osgood,
Peabody,
Richie,
Satterlund,
Strom,
Thompson,
Triplett,
Tufts,
Watson,
White,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burton,
Davis,
Douglas,
Fay,

Messrs—

Fiske,
Foss,
Hodgson,
Holritz,
Lamb,
Larson,
Loring,

Messrs—

McCulloch,
Skinner,
Smith,
Walton,
Ward,
Mr. Speaker.

Absent and not voting:

Messrs—

Daily,
Farrah,

Messrs—

Holte,
Peterson,

Messrs—

Wallen.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Oliver moved

That the rules be suspended and that all House bills introduced be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Hall introduced—

House Bill No. 229,

A bill for an act to amend paragraph 5 of Article 7, Chapter 9 of the Political Code, Compiled Laws of 1887, relating to specific powers of the board of county commissioners,

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

Mr. Brooke introduced—

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

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

Mr. Douglas introduced—

House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor,

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

Mr. Daily introduced—

House Bill No. 232,

A bill for an act to amend Sections 49 and 53 of Chapter 132, Laws of 1890,

Which was read the first and second times, and referred to the Joint Committee on Revenue.

Mr. Daniel introduced—

House Bill No. 233,

A bill for an act to repeal Section 4, and to amend Sections 6 and 7, Chapter 184 of the Laws of 1890, being an act defining usury and the penalty for taking the same,

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

Mr. Oliver introduced—

House Bill No. 234,

A bill for an act appropriating \$8,500 for compiling the Laws of North Dakota,

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

Mr. Osgood introduced—

House Bill No. 235,

A bill for an act repealing Chapter No. 110 of the Laws of the First Legislative Assembly of North Dakota, entitled "Prohibition,"

Which was read the first and second times, and referred to the Committee on Temperance.

Mr. McCulloch introduced—

House Bill No. 236,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

Which was read the first and second times, and referred to the Committee on Banking.

Also,

House Bill No. 237,

A bill for an act to repeal an act entitled "An act to provide for the maintenance of the military department, as provided in the Military Code of the State of North Dakota," approved February 20, 1891,

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

Mr. Peabody (by request) introduced—

House Bill No. 238,

A bill for an act amending Section 1 of Chapter 78 of the Laws of 1890, relating to the publication of insurance statements,

Which was read the first and second times, and referred to the Committee on Insurance.

Mr. Brown moved

That House Bill No. 237 be referred to the Committee on Military Affairs,

Which motion prevailed, and

The bill was so referred.

Mr. Tufts (by request) introduced—

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements,

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

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,

Was read the first and second times.

SECOND READING OF HOUSE BILLS.

House Bill No. 226,

A bill for an act to amend Section 3, Chapter 100, of the Laws of 1890, being an act to amend Articles 4 and 9 and 16 of Chapter 73, of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Was read the second time.

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated Cities, Towns and Villages,

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

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890, being an act authorizing counties to fund outstanding indebtedness,

Was read the second time.

Substitute for House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Was read the second time.

Substitute for House Bill No. 203,

A bill for an act to amend Section 16 of an act entitled "An act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of North Dakota," Chapter 108, Session Laws of 1890,

Was read the second time.

Substitute for House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled, "Bounty for Wolf Scalps,"

Was read the second time.

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Was read the second time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 25, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak.

Which the Senate has passed unchanged.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An Act to provide for the incorporation of certain classes of benevolent and charitable institutions.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

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

C. C. BOWSFIELD,
Secretary.

Mr. Beardsley in the chair.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,

House Bill No. 106,

A bill for an act to amend Section 6 of an act, entitled "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended.

Also,

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public offices of the State.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rate and method of compensation therefor, and providing how said compensation shall be made.

Also,

House Bill No. 9,

A bill for an act to provide facilities for marketing wool, and find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to

House Bill No 9,

A bill for an act to provide facilities for marketing wool.

Also,

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed

amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made.

Also,

House Bill No. 106,

A bill for an act to amend Section 6 of an act entitled "An act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended.

Also,

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 25, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has adopted the report of the Conference Committee on

Senate Bill No. 66,

A bill for an act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements.

The report being that the bill do pass as amended by the House, and has passed the bill as recommended by the committee.

C. C. BOWSFIELD,
Secretary.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 201 made a special order for to-day.

House Bill No 201,

A bill for an act to encourage the sugar beet culture in the State of North Dakota, and providing an appropriation for experimenting on the manufacture of sugar from the same,

Mr. Osgood presented the following communication from president H. E. Stockbridge, of the North Dakota Agricultural College, and requested that it be printed in the Journal:

FARGO, N. D., February 23, 1891.

G. E. Osgood, Esq., House of Representatives, Bismarck, N. D.:

MY DEAR SIR: A telegram just received from the East, announcing sickness in my family, prevents my presence this week in Bismarck. I therefore take occasion to lay before you a few facts concerning the introduction of the sugar beet industry in this State, and the proposed legislation for its encouragement.

Let me preface what I have to say by the statement that I have had con-

stant experience with the cultivation of sugar beets and their utilization for sugar manufacture for seventeen years. During this time I have spent three years in the very centre of the beet sugar industry of Germany, and gave one year's time exclusively to the study of the sugar beet problem, so that any opinion that I may express is necessarily founded on actual personal experience.

First. There is no possible doubt that sugar beets, with a high content of sugar, can be successfully grown in various parts of our State.

Second. The beets thus far analyzed grown here show a higher average sugar content than the average for either Germany or France.

Third. Beets can probably be successfully grown over a very extended area in this State, and will thrive best outside the valley or beyond the most successful wheat growing area, the best beet for sugar manufacture growing on land too light and dry to assure a good wheat crop.

Fourth. The extraction of sugar from the beet does not materially injure it for feeding purposes, and the pulp left behind is everywhere in Europe utilized as cattle feed, forming the great staple winter feed; and it is from the utilization of this otherwise waste material that the chief profits are obtained.

Fifth. The cost of growing beets here should not be so great but that the manufacturer, aided by the United States, and State bounty, could pay a reasonable profit to the producer of the beets.

Sixth. The production of the beet in the State is no longer an unsettled fact. There are, however, certain conditions which require further investigation. The question as it stands, however, is chiefly a manufacturing rather than an agricultural problem.

Seventh. Among the conditions which require further investigation may be placed, first, the ascertaining exactly where beets may be and may not be grown in the State successfully. For the elucidation of this point, actual experiments in growing and cultivating the crop and analyzing the product for determination of sugar content should be undertaken in every county in the State, and then facts will be at hand by which the cultivation in a given locality may be undertaken with reasonable certainty. Localities not suited to the crop will be saved loss, and localities found suitable will be aware of the fact without costly personal trial.

Eighth. There is one further condition which is worthy of careful and extended investigation. A chief difficulty, against which the industry would find it necessary to be protected, it has been supposed, in this latitude, is the freezing of the beets, resulting in spoiling them for sugar making purposes. The trouble is not, however, in the freezing, but in the thawing. I believe that if the beet could be frozen in the field, and kept in a frozen condition until it reached the cutting machine and factory, no loss in sugar would occur, and costly storage cellars would not be necessary. Moreover, the beet could then be transported to the factory during the winter, after all plowing was finished, and when the time of team and hands is least valuable, so that transportation for longer distances would be possible, and the entire cost of production be materially reduced. This is a condition worthy of careful and thoughtful investigation, and, if my supposition should prove correct, a very serious obstacle to the successful introduction of the industry would be removed. Of course, a great deal of money could be utilized in such an investigation, yet much can be accomplished with comparatively slight means, and one-half of the sum proposed by the bill in question would suffice for a very considerable and extended investigation which would certainly result in material advantage to the State.

These are the chief points as suggested to me as worthy of consideration.

Regretting that I am unable to be in Bismarck to furnish further material, I remain,

Most Truly Yours,

H. E. STOCKBRIDGE.

Mr. Gill asked unanimous consent to amend the bill by striking out the figures "20,000" and inserting the figures "10,000."

Objection made.

Mr. Skinner moved

To suspend the rules to permit amendments to the bill,
Which motion was lost.

Mr. Oliver moved

That the bill be recommitted for amendment,
Which motion prevailed, and
The bill was recommitted.

THIRD READING OF HOUSE BILLS.

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines,"

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

The question being upon the final passage of the bill,
The roll being called there were ayes 36, nays 22.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Axvig,	Fiske,	McCulloch,
Beardsley,	Foss,	McKendry,
Brooke,	Gill,	Peabody,
Burke,	Graber,	Skinner,
Christianson,	Hall,	Smith,
Colosky,	Hanson,	Tripplett,
Cope,	Havrevold,	Tufts,
Cunningham,	Hodgson,	Walton,
Davis,	Horgan,	Watson,
Dennett,	Kearney,	White,
Erickson,	Larson,	Williams,
Fay,	Loring,	Yegen.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Bjornson,	Holte,	Peterson,
Brown,	Holritz,	Richie,
Burton,	Lamb,	Strom,
Daily,	Loomis,	Thompson,
Daniel,	Lutz,	Waller,
Ebbighausen,	Oliver,	Ward,
Haight,	Osgood,	Mr. Speaker.
Hill,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Douglas,	Noltimier,	Satterlund.
Farrab,		

So the bill passed and the title was agreed to.

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same,

Was read the third time, and

Mr. Fiske moved

To amend the bill as follows:

In line five, Section 2, after the word "employed" insert the words: "And the length of time such deputy or clerks shall be employed,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill.

The roll being called there were ayes 49, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Bjornson,	Graber,	Osgood,
Brooke.	Haight,	Peabody,
Brown,	Hall,	Peterson,
Burke,	Havrevold,	Richie,
Burton,	Hodgson,	Satterlund,
Colosky,	Holte,	Skinner,
Cope,	Holritz,	Smith,
Cunningham,	Horgan,	'Thompson,
Daily,	Kearney,	Triplett,
Daniel,	Lamb,	Tufts,
Davis,	Loomis,	Walton,
Douglas,	Loriug,	Ward,
Ebbighausen,	Lutz,	Watson,
Erickson,	McKendry,	Yegen,
Fay,	Noltumier,	Mr. Speaker.
Fiske,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Strom,
Christianson,	Hanson,	Wallen.
Dennett,	Larson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Farrar,	McCulloch,	Williams.
Hill,	White,	

So the bill passed and the title was agreed to.

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota.

Was read the third time, and

Mr. Burton asked unanimous consent to amend the bill as follows:

Omit all after the word "tax," in line 9 of Section 1, down to the word "provided" in line 13.

Objection made.

Mr. Speaker called Mr. Oliver to the Chair.

The question being upon the passage of the bill.

The roll being called there were ayes 46, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hodgson,	Peabody,
Brooke,	Holte,	Peterson,
Brown,	Holritz,	Richie,
Burke,	Horgan,	Satterlund,
Colosky,	Kearney,	Skinner,
Cope,	Lamb,	Smith,
Cunningham,	Larson,	Strom,
Daily,	Loomis,	Thompson,
Daniel,	Loring,	Triplett,
Dennett,	Lutz,	Tufts,
Ebbighausen,	McCulloch,	Watson,
Fay,	McKendry,	Ward,
Gill,	Noltmier,	Williams,
Hall,	Oliver,	Yegen,
Havrevold,	Osgood,	Mr. Speaker.
Hill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Davis,	Graber,
Bjornson,	Fiske,	Haight,
Burton,	Foss,	Hanson,
Christianson,		Wallen.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Douglas,	Farrar,	White.
Erickson,	Watson,	

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 42.

A bill for an act making railroad companies liable for damages caused by fire.

Also,

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, 1887, and for the further prevention of cruelty to animals.

Also,

House Bill No. 46,

A bill for an act to provide for the paying into the State Treasury of all fees and profits arising from any of the State offices.

Also,

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73, Laws of 1887, entitled "An act to provide for the incorporation of cities."

Also,

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines,"

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that at the hour of 4 o'clock and 25 minutes, February 25, 1891,

House Bills No. 29, 106, 136, 9 and 67,

Were delivered to His Excellency the Governor for his approval.

H. A. NOLTIMIER,
Chairman.

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

Was read the third time, and

Mr. Lutz moved

That the further consideration of the bill be deferred until next Monday,

Which motion prevailed.

House Bill No. 150,

A bill for an act to provide a Military Code for the State of North Dakota,

Was read the third time, and

Mr. Kearney asked unanimous consent to amend the bill.

Objection made.

The question being upon the final passage of the bill,

The roll being called there were ayes 33, nays 21.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Brooke,	Fiske,	Osgood,
Brown,	Gill,	Peabody,
Burke,	Hall,	Richie,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cope,	Holritz,	Triplett,
Cunningham,	Loomis,	Walton,
Daniel,	Loring,	Watson,
Davis,	McKendry,	White,
Ebbighausen,	Noltmier,	Williams,
Fay,	Oliver.	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Lamb,
Beardsley,	Haight,	Larson,
Bjornson,	Hanson,	McCulloch,
Burton,	Hodgson,	Peterson,
Daily,	Holte,	Strom,
Douglas,	Horgan,	Tufts,
Erickson,	Kearney,	Ward.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dennett,	Satterlund,	Wallen,
Farrah,	Thompson,	Mr. Speaker.
Lutz,		

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

Mr. Beardsley moved

That the House do now adjourn,

Which motion was lost.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Triplett moved

That Senate Bills No. 183, 163, 167, 186, 170 and 153 be read the first and second times and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1887,

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

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, North Dakota.

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

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers therein," approved February 14, 1890,

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

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School,"

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

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto,

Was read the first and second times.

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies,

Was read the first and second times, and referred to the Committee on Banking.

Mr. Beardsley moved

That the House do now adjourn,

Which motion was lost.

Mr. Thompson moved

That the Chair appoint a committee of three to investigate the conduct of the Janitor and Watchman as to the disappearance of books, papers and records,

Which motion prevailed, and

Mr. Speaker appointed as such committee, Messrs. Kearney, Strom and Thompson.

Mr. Gill moved

That House Bill No. 145 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An Act to provide a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 2.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Fay,
Fiske,
Gill,

Messrs--

Graber,
Haight,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
Oliver,
Osgood,

Messrs--

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Cope,
Erickson,
Farrah,

Messrs—

Foss,
Hall,
McCulloch,
McKendry,

Messrs—

Noltimier,
Triplett,
Williams.

Messrs. Axvig and Hanson voting in the negative.

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

Mr. Beardsley moved

That the House do now adjourn.

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to examine and correct the Journal made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fifty-first day report that they have examined the same and find it to be correct.

JAS. V. BROOKE,
Chairman.

The courtesies of the floor were extended to Mr. Gibb of Mayville, Mr. Andrew H. Lofton of Liston, and Mr. P. W. Walker.

The Speaker appointed as the committee to examine and correct the Journal of the fifty-second day Messrs. Douglas, Graber and Hall.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Loring presented the following petition:

To the Honorable, the Senate and House of Representatives of the State of North Dakota:

We, the undersigned, residents of the State of North Dakota, respectfully petition your honorable bodies that the act of the Legislature of this State, approved February 20, 1890, entitled "An Act to provide for the organization and government of State banks," be retained upon our statute books and that if any amendments be made thereto that such amendments shall still provide that the amount of capital be published, that report be made as now required by law and published, that such banks be under the supervision and examination of the State government, and that reports be published for the purpose of forming a basis for taxation.

JOHN B. KESLER,
and 10 others.

Mr. Daily presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

We, the members of the different secret beneficiary associations of Minto, North Dakota, do most earnestly protest against the passage of House Bill No. 65, or substitute therefor, or any legislation touching these associations in regard to insurance.

GEORGE P. HARVEY,
and 47 others.

REPORTS OF STANDING COMMITTEES.

The Committee on State Library made the following majority and minority reports on House Bill No. 71:

MR. SPEAKER:

Your Committee on State Library to whom was referred
House Bill No. 71,

A bill for an act to amend Sections 1 and 3 of Chapter 166 of the General Laws of 1890, pertaining to the care of the State Library,

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

GEO. E. OSGOOD,
Chairman.

MR. SPEAKER:

Your Committee on State Library to whom was referred
House Bill No. 71,

A bill for an act to amend Sections 1 and 3 of Chapter 166 of the General Laws of 1890, pertaining to the care of the State Library,

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

GEO. E. OSGOOD,
Minority.

Mr. Thompson moved
 To adopt the majority report,
 Which motion prevailed, and
 The majority report was adopted.

The Joint Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Joint Committee on County Officers' Salaries to whom was referred

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law,"

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

Also,

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the of the county courts and county auditors in counties having a population of less than 1,000,

And recommend that the same be indefinitely postponed.

H. S. OLIVER,
 Chairman.

Mr. Richie moved
 To adopt the report of the Committee on Senate Bill No. 53,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred

House Bill No. 36,

A bill for an act to foster and encourage irrigation by exempting certain property from taxation,

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

J. S. RICHIE,
 Chairman.

Mr. Graber moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of the bill was indefinitely postponed.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred

House Bill No. 118,

A bill for an act entitled "An act to legalize the bonding of civil townships for the purpose of sinking artesian wells, and to provide for locating the same,"

Have had the same under consideration, and recommend the following substitute bill:

SUBSTITUTE FOR HOUSE BILL NO. 118.

A Bill for an Act to Enable Civil Townships to Issue Bonds for the Purpose of Sinking Artesian Wells, and to Provide for Locating the Same:

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

SECTION 1. That at any annual or special town meeting, in any regularly organized township in this State, the question of bonding said township for the purpose of sinking one or more artesian wells, or of improving natural springs in said township, may be submitted to a vote of the people; *Provided*, The notices posted by the town clerk, as required by law, contain a notice of of such proposed bonding.

SEC. 2. When three-fourths of the legal voters voting at such town meeting, as described in Section 1 of this act, shall vote in favor of bonding, it shall be the duty of the town board of superaisors to forthwith issue the bonds of said township in the denomination or denominations which they shall deem best, but which shall not aggregate more than a given amount specified by vote at the aforesaid town meeting. The concurrence of a majority of the township board of supervisors shall be sufficient to legalize the issuing of township bonds under this act. All bonds issued under this act shall bear interest at the rate of 7 per cent. per annum, payable semi-annually; the bonds and the interest thereon to be paid at such place and times as the township board shall designate; *Provided, however*, That said bonds shall be payable in not less than five nor more than ten years.

SEC. 3. Said bonds shall be signed by the chairman of the board of township supervisors, and attested by the clerk of said township; said bonds shall also be verified by a certificate, signed by both chairman and clerk, that the bonds are issued in accordance with the provisions of this act, and are within the debt limit.

SEC. 4. It shall be the duty of the township board to receive sealed bids for the purchase of said bonds, after having given thirty days' notice in such manner as they may deem best; said bonds shall be sold to the highest bidder for cash, and shall not be sold for less than their par value; *Provided*, That the township board of supervisors shall have authority to reject all bids and postpone the sale of said bonds for a time not to exceed ten days.

SEC. 5. The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof to the treasurer of said township or to his authorized agent upon the delivery of said bonds; and such proceeds shall be paid out only on the order of the township board. The treasurer of any township board may be required to give additional bonds, with sureties to be approved by the board of township supervisors, before or after the proceeds of said bonds are turned over to him.

SEC. 6. Said board of township supervisors shall levy a tax, at the time and in the manner that other taxes are levied, sufficient to pay the interest as it falls due on the said bonds, and also a sinking fund tax sufficient to take up the bonds when they become due; neither the interest fund nor sinking fund shall be used for any other purpose than that for which it is levied; *Provided, however*, That the sinking fund may be deposited or loaned in any safe place for the purpose of earning interest, which shall be credited to the sinking fund; and, *Provided, further*, that any balances remaining in said funds after the payment of said bonds shall be transferred to any other township fund or funds designated by the township board of supervisors.

SEC. 7. The township treasurer shall receive 1 per cent. for handling the

proceeds received from the sale of said bonds. Upon the payment of any of the said bonds or the coupons thereto attached, it shall be the duty of the township treasurer to cancel the same by writing the word "paid" across the face of the same and the date of payment. The township treasurer shall also keep a record of these bonds, showing date, maturity, amount, rate of interest, to whom and where payable; and when any interest coupon is paid, it shall be credited upon said record, giving date of payment. All moneys derived from the sale of bonds, as provided in this act, shall be kept as a separate fund, and shall be expended by the township board of supervisors in making such wells as a majority of the freeholders of said township shall think desirable; *Provided*, That such portion of said fund as shall not be used in making said wells may, at the discretion of the supervisors, be transferred to the sinking fund for the payment of said bonds. Before locating a well under the provisions of this act, it shall be the duty of the board of supervisors to cause to be made a survey of the natural waterways of their township, and the first well shall be placed as nearly as practicable at the head of the longest natural waterway in said township, unless by a vote of two-thirds of the freeholders of said township it is located at some other stated point. All subsequent wells shall be located by a majority vote of the legal voters in said township.

And recommend that the substitute bill do pass.

J. S. RICHIE,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152 entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

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

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School,"

And recommend that the same do pass.

Also,

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161, of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

And recommend that the same do pass.

GEO. H. FAY,
Chairman.

Mr. Oliver moved

That the rules be suspended and that Senate Bill No. 172 be now read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Dail,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Fay,
Fiske,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltimier,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Erickson,
Farrah,

Messrs—

Foss,
Lutz,

Messrs—

Skinner,
Williams.

So the bill passed; more than two-thirds of the members present and voting, voting therefor,

And the title was agreed to.

The Joint Committee on Revenue and Taxation made the following report:

MR. SPEAKER:

Your Joint Committee on Revenue and Taxation to whom was referred

Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890,

Have had the same under consideration and report it back without recommendation.

FRANK WHITE,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and
Section 538, Civil Code of 1887,

Have had the same under consideration and recommend that
the same be referred back to the Senate for correction.

GEO. H. FAY,
Chairman.

Mr. Strom moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. White moved
That Senate Bill No. 37 be referred to General Orders,
Which motion prevailed, and
The bill was so referred.

The Committee on Appropriations made the following majority
and minority reports on House Bill No. 201:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No 201,

A bill for an act to encourage the sugar beet culture in the
State of North Dakota, and providing an appropriation for exper-
imenting on the manufacture of sugar from the same,

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

G. G. BEARDSLEY,
Minority.

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 201,

A bill for an act to encourage the sugar beet culture in the
State of North Dakota, and providing an appropriation for exper-
imenting on the manufacture of sugar from the same,

Have had the same under consideration and a majority thereof
recommend that the same be reported back without recommen-
dation.

G. G. BEARDSLEY,
Chairman.

Mr. Beardsley moved
To adopt the minority report.

Mr. Oliver moved
To refer the bill to General Orders,
Which motion prevailed, and
The bill was so referred.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 153,

A bill for an act entitled "An Act to appropriate funds to carry out the provisions of Chapter 24, Session Laws of 1890,"

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

G. G. BEARDSLEY,
Chairman.

Mr. Axvig moved

To adopt the report,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 199,

A bill for an act to provide an appropriation for the necessary expenses of State officers when traveling in the interest of the State,

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

G. G. BEARDSLEY,
Chairman.

Mr. Beardsley moved

To adopt the report,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 168,

A bill for an act providing for holding farmers institutes.

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

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol,

And report the same back without recommendation.

Also,

House Bill No. 215,

A bill for an act providing an appropriation to pay John A.

McLean for brick furnished the Dakota penitentiary at Bismarck, N. D.,

And report the same back without recommendation.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

And recommend that the same be amended by adding after the word "Treasury" in Section 1, the words "not otherwise appropriated,"

And when so amended recommend that the same do pass.

G. G. BEARDSLEY,
Chairman.

The Committee on Appropriations made the following majority and minority reports on Senate Bill No. 186:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.,

Have had the same under consideration and a majority thereof recommend the same back without recommendation.

G. G. BEARDSLEY,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations to whom was referred Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.,

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

G. G. BEARDSLEY,
Minority.

Mr. Douglas moved

To adopt the minority report,

Which motion prevailed, and

The minority report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Brooke moved

That House Bill No. 67 be recalled from the Governor for correction,

Which motion prevailed.

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

Resolved, That House rule 54 be amended to read as follows: "The hour of meeting of the House shall be 10 o'clock in the forenoon until the House directs otherwise."

Which motion was lost.

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

WHEREAS, The amount of business before the House is so great that it will be necessary in order to dispose of the same to hold two sessions each day; therefore, be it

Resolved, That commencing February 28, the House shall meet at 10 o'clock a. m. and continue in session until 12 o'clock noon, then take a recess until 2 o'clock p. m., and upon reassembling remain in session until 6 o'clock p. m.

Mr. Lutz moved as a substitute

That when the House adjourns hereafter, it be to take a recess until 10 o'clock a. m. the following morning,

Which motion was lost, and

The question recurring on the motion of Mr. Foss,

The motion was lost, and

The resolution was lost.

Mr. Brown moved

To reconsider the vote by which House Bill No. 153 was indefinitely postponed,

Which motion was lost.

Mr. Oliver moved

That the Chief Clerk be instructed to transmit Senate Bill No. 172 to the Senate forthwith,

Which motion prevailed.

Mr. Speaker announced his signature to Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary building for the North Dakota Normal School located at Valley City, North Dakota,

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 26, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof.

Also,

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws,

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

Also, to return herewith

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the laws of North Dakota regulating the practice of pharmacy,

Which was lost.

Also,

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop.

Also,

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Also,

Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws.

Also,

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

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

Also,

To transmit herewith the following Concurrent Resolution for a memorial to the President of the United States:

CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

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

WHEREAS, By that certain act of Congress, approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," and the subsequent acts and joint resolutions of Congress relating to the same subject, it is provided that the title to lands selected by the Northern Pacific Railroad Company for indemnity for lands lost in place under the terms and provisions of said acts and joint resolutions of Congress, shall not pass to said railroad company until such selections have been approved by the Secretary of the Interior; and

WHEREAS, The Northern Pacific Railroad Company declines and refuses to pay any taxes upon its said lands so selected for indemnity; and lying more than forty, but not more than fifty miles distant from the main line of the railroad of said company, for the alleged reason that the Secretary of the Interior has failed and neglected to approve its said selection; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation, by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining, by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

Resolved, That the President of the United State be and he is hereby respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

Resolved, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Secretary of State to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

Which the Senate has passed, and your concurrence therein is respectfully requested.

Also,

To inform you that the President has appointed as the committee on the part of the Senate to consider House Bill No. 25, Messrs. Little and McGillivray.

C. C. BOWSFIELD,
Secretary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Davis introduced—

House Bill No. 240,

A bill for an act to promote irrigation,

Which was read the first time, and

Mr. Davis moved

That the rules be suspended, and that all House bills, upon their first reading, be read also the second time, and referred to their appropriate committees,

Which motion prevailed, and House Bill No. 240

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

Mr. Walton introduced—

House Bill No. 241,

A bill for an act entitled "An act giving county treasurers the power to deposit county funds in National or other banks,"

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

Mr. Peterson introduced—

House Bill No. 242,

A bill for an act to authorize one or more towns to employ a family physician,

Which was read the first and second times, and referred to the Committee on Public Health.

Mr. Yegen (by request) introduced—

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed,

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

Substitute for House Bill No. 132,

A bill for an act fixing the salaries of county auditors and register of deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887,

Was read the first and second times.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak.

The courtesies of the floor were extended to Mr. Edward Conners of Grand Forks.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 26, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have approved the following House bills:

House Bill No. 136,

An act appropriating money for the maintenance of the public offices of the State.

Also,
House Bill No. 9,
An act to provide facilities for marketing wool.

Also,
House Bill No. 106,

An act to amend Section 6 of an act entitled "An act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended.

Very respectfully,
ANDREW H. BURKE,
Governor.

The Chief Clerk reported that the Governor had returned House Bill No. 67 to the House as requested by the House.

REPORTS OF SELECT COMMITTEES.

The House returned to the order, reports of Select Committees, and

The Joint Committee to ascertain the cost and value of railroads within this State for the purpose of forming a basis for a fair and equitable taxation thereof made the following report:

Mr. SPEAKER:

The Joint Committee of the Senate and House appointed to ascertain as nearly as possible the cost and values of railroads within this State, for the purpose of forming a basis for a fair and equitable taxation thereof, beg leave to report as follows:

By reason of the refusal of the Senate to pass a concurrent resolution authorizing a sub-committee to use their discretion in matters pertaining to this subject, we have been deprived of the opportunity to secure much valuable information that would, in our judgment, have been freely given us without expense or inconvenience to the State, and that would have aided us materially in the prosecution of our duties.

We are, therefore, compelled to submit such meagre and unimportant facts and figures as our limited opportunities have enabled us to gather.

As is well known, the cost of railroads will vary as the price of material and labor varies. This same question is being agitated and search is being made for the facts by other state legislatures and boards of railroad commissioners.

We find in the office of our Railroad Commissioners the reports of the commissioners of many other states. Most of these reports refer to the cost of the roads within their states, but all are in much the same unsatisfactory position in which we find ourselves.

The report of our Railroad Commissioners of 1890 gives the bonded indebtedness of the various roads doing business in the State, and much other valuable information, but, as all are aware, the bonded indebtedness of a road is in nearly all cases very far from the cost of the road; and, aside from that fact, the cost of building a mile of grade in North Dakota is, on an average, much less than the average cost of a mile of grade in the other states which our roads traverse. It would, therefore, not be a fair estimate to take the average per mile of the bonded indebtedness of these several roads as a basis of their cost in North Dakota. We are credibly informed that the cost of the Union Pacific Railroad from Omaha, Neb., to the western boundary of the state, was

about \$9,000 per mile, including equipment. The surface of the country through which this road passes is quite similar to that traversed by the roads of our State.

All the railroad companies doing business in this State during the year 1889 paid taxes on their gross earnings except the Northern Pacific as follows:

	Gross Earnings.	Rate.	Amount.
The Great Northern paid tax on..	\$2,023,253 39	3 per cent.	\$60,697 60
The C., M. & St. P. paid tax on....	62,895 21	3 per cent.	1,886 86
The C. & N. W. paid tax on.....	7,685 21	3 per cent.	230 56
The "Soo" paid tax on.....	33,109 20	2 per cent.	960 63
Total paid into the State Treasury.....			\$63,775 65

The Northern Pacific has 855 miles of road.
 The Great Northern has 997 miles of road.
 The C., M., & St. P. has 118 miles of road.
 The C. & N. W. has 14 miles of road.
 The "Soo" has 99 miles of road.
 Total miles of road in State, 2,083.

The average tax per mile paid by the above companies is as follows:

Great Northern	\$60 79
C., M. & St. P.	15 98
C. & N. W.	16 14
"Soo"	10 02

The abstracts on file in the State Auditor's office show the following facts as to the average tax levy of the counties which the various roads traverse:

Those counties through which—

	Mills.
The N. P. and branches run	25.65
The Great Northern.....	29.4
The "Soo".....	29.1
The C., M. & St. P.	28.5
The C. & N. W.	23.47

If all roads paid a tax upon the valuation of say \$4,500 per mile at the foregoing rates of taxation, the State would receive the following amounts:

From the—	
Northern Pacific on 855 miles.....	\$98,688 37
Great Northern on 997 miles.....	131,903 10
C., M. & St. P. on 118 miles.....	15,133 50
C. & N. W. on 14 miles.....	1,478 61
"Soo" on 99 miles.....	12,964 45
A total of.....	\$260,168 03

From the Minnesota Railway Commissioner's Report for the year 1889 we find the Northern Pacific Company paid to that State in 1888 on the gross earnings system \$115,852.22 on 663 miles of road, which equals \$174.74 per mile. The gross earnings for that year were \$4,369,942.47 for main line and branches. The rate percentum of tax on the main line and branches varied. Evidently, to the extent that they were profitable, the average tax being 26½ mills per dollar of gross earnings.

The Ohio Railway Commissioners' Report for 1889 shows that there are 10,145 miles of road in that State, which were taxed on an average valuation of \$9,982 per mile, at the rate of 16.4 mills, making a total revenue of \$1,659,701.88.

Compared with the roads of North Dakota—

The Ohio roads paid a tax of	\$163 60	per mile
The Great Northern	60 79	per mile
The Chicago & Northwestern	16 14	per mile
The "Soo" Company	10 02	per mile
The Chicago, Milwaukee & St. Paul	15 98	per mile

The Massachusetts Railway Commissioners' Reports puts the cost of railroads in that State as follows:

Road bed, complete	\$69,573 83
Cost of equipments	6,317 38
Total	\$75,891 21

While it is not our province specially to offer an opinion or suggestion, nor would we presume to dictate to the Legislative Assembly, we venture to say that, in view of the fact that so much severe railroad legislation is being agitated in other States, we deem it advisable to adhere to the "happy medium" which has so far characterized our deliberations upon this subject. It is certainly expedient that we enact some wholesome law upon railroad taxation, but, in doing so, will it not be pre-eminently wise in us not to go beyond the limit of equity and fairness to these corporations, which have done and are still doing so much toward the development of our domain. Corporations owning property within our state, of whatever kind or name not specially exempt, should be made to pay their just and reasonable proportion of taxes, and no more, as much so as any individual citizen, from whom they derive their profits through the patronage given them by the people.

Respectfully submitted,

J. C. GILL,
D. C. TUFTS,
D. C. CUNNINGHAM,
On part of House.

R. N. INK,
A. H. LOWRY,
On part of Senate.

Mr. Oliver moved

That the reading of the report be deferred until it shall be printed in the Journal,

Which motion prevailed.

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

Be it Resolved, That the Secretary of State be instructed to procure one copy of the Session Laws of 1890 for each member of the House who has lost said Session Law.

Mr. Oliver moved

To lay the resolution upon the table,

Which motion was lost, and

The question recurring on the motion to adopt the resolution,

The motion prevailed, and

The resolution was adopted.

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

Resolved, That on and after March 2 next no bill shall be introduced without the unanimous consent of the House,

Which motion prevailed, and

The resolution was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that at the hour of 3:20 o'clock p. m. February 26, 1891, House Bill No. 189 was delivered to his excellency, the Governor, for his approval.

H. A. NOLTIMIER,
Chairman.

THIRD READING OF HOUSE BILLS.

Mr. Lutz moved

To reconsider the motion by which House Bill No. 164 was made a special order for Monday next,

Which motion prevailed, and
House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,
Was placed upon its final passage.

Mr. Lutz moved

To amend the bill as follows:

In Section 4, strike out the words commencing in line 5, "and Chapter 65. Laws of 1890, entitled 'An act providing for the election of boards of education in cities not organized under the General Law,'" approved February 24, 1890.

Which motion prevailed, and
The bill was so amended.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brown,
Burton,
Christianson,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Lutz,
Loring,
McCulloch,

Messrs—

McKendry,
Noltimer,
Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—
Axvig,
Brooke,
Burke,
Colosky,

Messrs—
Foss,
Haight,
Oliver,
Osgood.

Messrs—
Satterlund,
Wallen,
Williams.

So the bill passed, more than two-thirds of the members present and voting voting therefor, and
The title was agreed to.

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—
Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrab,
Fay,

Messes—
Fiske,
Gill,
Graber,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—
Noltimier,
Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Wallen,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—
Beardsley,
Foss,

Messrs—
Haight,
Tufts,

Messrs—
White,
Williams.

So the bill passed and the title was agreed to.

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 8.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Brooke,
Burke,
Christianson,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrab,
Fay,
Fiske,
Gill,

Messrs—

Graber,
Haight,
Hall,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
Lutz,
McCulloch,

Messrs—

McKendry,
Noltmier,
Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Smith,
Thompson,
Triplett,
Tufts,
Watson,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Burton,
Colosky,
Cope,

Messrs—

Cunningham,
Hanson,
Larson,

Messrs—

Ward,
Yegen.

Absent and not voting:

Messrs—

Axvig,
Bjornson,
Brown,

Messrs—

Foss,
Skinner,
Strom,

Messrs—

Wallen,
Walton,
Williams.

So the bill passed and the title was agreed to.

House Bill No. 10,

A bill for an act to provide for the payment of valid taxes upon judgment vacating invalid tax sales,

Was read the third time, and

Mr. Oliver moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

Was read the third time, and

Mr. Brooke moved

To suspend the rules to amend the bill as follows:

Strike out the word "regents" and substitute therefor the word "trustees,"

Which motion was lost.

Mr. Lutz asked unanimous consent to amend the bill by striking out the word "regents" and substituting the word "trustees,"

Which consent was given, and

The bill was so amended.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 54, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Beardsley,	Graber,	Osgood,
Bjornson,	Haight,	Peabody,
Brooke,	Hall,	Peterson,
Brown,	Hanson,	Richie,
Burke,	Havrevold,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Hodgson,	Smith,
Colosky,	Holte,	Strom,
Cope,	Holritz,	Thompson,
Cunningham,	Horgan,	Triplett,
Davis,	Lamb,	Tufts,
Dennett,	Larson,	Wallen,
Douglas,	Loring,	Walton,
Ebbighausen,	Lutz,	Ward,
Erickson,	McCulloch,	White,
Fay,	McKendry,	Yegen,
Foss,	Noltimier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Farrah,	Fiske.
Daniel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Kearney,	Watson,	Williams.
Loomis,		

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

Mr. Speaker announced his signature to
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161, of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management."

Mr. Erickson moved

To recall from the Governor House Bill No. 29,
Which motion prevailed.

Mr. Oliver moved

To suspend the rules and place Senate Bill No. 37 on its third reading and final passage,
Which motion prevailed, and
Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890.

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

The question being upon the passage of the bill,

The roll being called there were ayes 57, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Fay,

Messrs—

Fiske,
Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Noltmier,
Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Mr. Speaker.

Absent and not voting:

Messrs—

Havrevold,

Messrs—

Kearney,

Messrs—

Williams.

Messrs. Farrah and Yegen voting in the negative.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. McCulloch moved

That House Bill No. 46 be now placed upon its third reading and final passage,

Which motion prevailed.

Mr. Holritz moved

That House Bill No. 42 be now placed upon its third reading and final passage,

Which motion prevailed.

Mr. Speaker called Mr. Burke to the Chair.

House Bill No. 46,

A bill for an act to provide for the paying into the State Treasury of all fees and profits arising from any of the State offices,

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

The question being upon the passage of the bill,

The roll being called there were ayes 30, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Peabody,
Beardsley,	Fiske,	Peterson,
Burton,	Foss,	Satterlund,
Christianson,	Hanson,	Skinner,
Colosky,	Hodgson,	Strom,
Cunningham,	Holte,	Tufts,
Daily,	Lamb,	Wallen,
Daniel,	Lutz,	Walton,
Dennett,	McCulloch,	Ward,
Douglas,	Noltmier,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Haight,	McKendry,
Burke,	Horgan,	Oliver,
Davis,	Kearney,	Osgood,
Erickson,	Larson,	Smith,
Farrah,	Loomis,	Watson,
Gill,	Loring,	White.
Graber,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Havrevold,	Thompson,
Brown,	Hill,	Triplett,
Cope,	Holritz,	Williams,
Fay,	Richie,	Mr. Speaker.
Hall,		

So the bill was lost, a majority of all the members-elect not voting therefor.

Mr. Daily moved

That the rules be suspended and that Senate Bill No. 123 be now placed upon its third reading and final passage,

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 26, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legisla-

tive Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection."

Also,

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

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

C. C. BOWSFIELD,
Secretary.

House Bill No. 42,

A bill for an act making railroad companies liable for damages caused by fire,

Was read the third time, and

Mr. Fay moved

To indefinitely postpone the further consideration of the bill,
Which motion was lost.

The question being upon the passage of the bill,
The roll being called there were ayes 40, nays 15.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Ebbighausen,
Erickson,
Farrah,
Foss,

Messrs—

Gill,
Hanson,
Hill,
Hodgson,
Holritz,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltmier,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Ward,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brooke,
Cunningham,
Douglas,
Fay,
Fiske,

Messrs—

Haight,
Hall,
Horgan,
Kearney,
Lamb,

Messrs—

Lutz,
Triplett,
Walton,
Watson,
White.

Absent and not voting:

Messrs—

Axvig,
Beardsley,
Cope,

Messrs—

Graber,
Havrevold,

Messrs—

Holte,
Williams.

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

Mr. Kearney moved

That when the House adjourn, it be to meet again at 10 o'clock

a. m. to-morrow, and that the order of business be the consideration of general orders,

Which motion prevailed.

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

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

The question being upon the final passage of the bill,
The roll being called there were ayes 45, nays 9.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Axvig,	Farrar,	Noltmier,
Beardsley,	Fay,	Oliver,
Ejorson,	Fiske,	Peterson,
Brooke,	Foss,	Richie,
Burke,	Gill,	Skinner,
Burton,	Grabber,	Smith,
Christiansou,	Haight,	Strom,
Cope,	Hall,	Thompson,
Daily,	Havrevold,	Tufts,
Daniel,	Hill,	Wallen,
Davis,	Hodgson,	Walton,
Dennett,	Holte,	Ward,
Douglas,	Lamb,	Watson,
Ebbighausen,	Loomis,	Yegen,
Erickson,	Loring,	Mr. Speaker.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Brown,	Hanson,	McCulloch,
Colosky,	Kearney,	Satterlund,
Cunningham,	Larson,	Triplett.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Holritz,	McKendry,	White,
Horgan,	Osgood,	Williams.
Lutz,	Peabody,	

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,
The roll being called there were ayes 42, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Graber,	Oliver,
Brown,	Haight,	Peabody,
Burke,	Hanson,	Peterson,
Burton,	Havrevold,	Richie,
Christianson,	Hill,	Satterlund,
Colosky,	Hodgson,	Skinner,
Cunningham,	Holte,	Smith,
Davis,	Holritz,	Strom,
Dennett,	Kearney,	Thompson,
Douglas,	Lamb,	Wallen,
Erickson,	Larson,	Walton,
Fay,	Loomis,	White,
Fiske,	Loring,	Yegen,
Gill,	Noltimier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Osgood,
Daily,	Horgan,	Tufts.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Triplett,
Brooke,	Hall,	Ward,
Cope,	Lutz,	Watson,
Daniel,	McCulloch,	Williams.
Ebbhausen,	McKendry,	

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Mr. Brooke moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

MORNING SESSION.

The House reassembled at 10 o'clock a. m.

Mr. Lutz moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Axvig to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

And recommend that the following amendments, proposed by the Committee on State Affairs, be adopted:

Strike out in the printed bill, and in the first section, in line 5, all after the word "meeting" to the word "and" in line 7.

Also, cross out the word "clear" in line 11, and in the same line the words "or special."

In Section 2, line 2, strike out the word "two" and insert in lieu thereof the word "five."

In line 6, cross out the words "county clerk of the county," and insert in lieu thereof the words "township clerk."

In line 9, cross out the word "county," and insert in lieu thereof the word "township."

In line 12, strike out the word "county," and insert in lieu thereof the word "township."

In line 30, strike out all after the word "corporation" to the end of section.

Strike out all of Section 4.

In Section 5, line 5, strike out all after the word "board" to the word "shall" in line 6.

In Section 6, line 1, strike out the words "company or corporation."

In Section 7, line 7, strike out all after the word "township" to end of section.

In Section 9, line 3, strike out the words "company or corporation."

Also, that the sections be renumbered.

And that when so amended the same do pass.

Also,

House Bill No. 79,

A bill for an act to regulate the collection of attorneys fees in foreclosures of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure and Chapter 16 of the General Laws of 1890 and to amend Sections 622, 623 and 633 of the Code of Civil Procedure,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That the title be amended to read as follows:

A bill for an act to regulate the collection of attorneys' fees in foreclosure of real estate mortgages; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity with this act void; to repeal Sections 597 to 615 both inclusive of the Code of Civil procedure, Code of 1887, relating to foreclosure of mortgages; to repeal an act, entitled "An Act to declare certain provisions for attorneys' fees void, and to provide a reasonable attorney's fee in such cases, Chapter 16, Session Laws of 1889 and to amend Sections 622, 623 and 633 of the Code of Civil Procedure, Code of 1887, relating to foreclosure of mortgages."

Also, Strike out Section 3 of the bill and number Sections 4, 5, 6 and 7 respectively 3, 4, 5 and 6.

And recommend that the further consideration of the bill be indefinitely postponed.

Mr. Oliver in the Chair.

Also,

House Bill No. 178,

A bill for an act to protect the cheese industry in North Dakota,

And recommend that the bill be amended as follows:

In line 4, Section 3, after the word "misdemeanor" insert the words "upon conviction thereof."

Also, recommend that the following be adopted as a substitute for Section 5: "Whereas, an emergency exists in that there is no law for the protection of the cheese industry in this State, therefore this act shall take effect on the first day of June, A. D. 1891."

And that when so amended the same do pass.

Also,

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies,

And recommend the following amendments proposed by the Committee on Insurance be adopted:

In Section 6, line 7, printed bill, strike out the word "November and insert the word "October."

Also, recommend that Section 3 be amended as follows:

In line 2 strike out the word "March" and insert the word "June."

Also, recommend that Section 3 be further amended as follows:

In line 4 strike out all after the word "ballot" down to and including the word "years" in line 6, and insert in lieu thereof the words "who shall hold office for one year."

Also, recommend that the bill be further amended as follows:

In line 5 strike out the word "March" and insert the word "June."

Also, recommend that the bill be referred to the Committee on Agriculture.

Also,

House Bill No. 159,

A bill for an act to amend Section 30, Chapter 132, of the Laws of 1890,

And recommend that the bill be amended as follows:

That the title be altered to read:

A bill for an act to amend Section 30, Chapter 132, of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

That Section 1 be amended to read as follows:

SECTION 1. That Section 30 of Chapter 132 of the Laws of 1890 be, and the same is hereby, amended to read as follows:

All counties or parts of counties in this State not organized into civil townships shall be divided into assessor districts, which shall be the same as the commissioner districts of said county, excluding organized civil townships, and the assessor thereof shall be elected at the same time that State officers are elected; *Provided*, That any vacancy may be filled by appointment by the county commissioners. Each organized civil township in this State shall constitute an assessor district, and shall be elected annually at the time that other town officers are elected; *Provided*, Any vacancy in township assessor may be filled by appointment by the board of supervisors of said township

where vacancy exists; *Provided*, That cities organized under the General Laws of this State shall not be included in the districts provided for in this section, but assessors of such cities shall not act with the board of county assessors in any of their meetings.

All assessors of this State shall receive not to exceed three (3) dollars per day for the time actually employed in making and completing said assessment and collecting and compiling the statistics required by law, and for which blanks may be provided by the State Statistician, but not to exceed one hundred (100) dollars for assessing any one civil township and collecting and compiling the statistics thereof; *Provided, further*, That no person shall be eligible to be assessor unless he is a voter in the district or township for which he is to be assessor.

And when so amended recommend that the same do pass.

Also,

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

That Section 1 be amended by striking out the words and figures "March 15th" and inserting in lieu thereof the words and figures "March 30th,"

And that when so amended the same do pass.

Also,

House Bill No. 76,

A bill for an act to protect sheep industry in the State of North Dakota by providing a bounty for the killing of wolves and coyotes,

And recommend that the further consideration of the bill be indefinitely postponed.

H. S. OLIVER,
Chairman.

Mr. Strom moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. White moved

That House Bill No. 225 be made a special order for this afternoon at 4 o'clock.

Mr. Oliver moved as a substitute

That the bill be made a special order for to-morrow at 4 o'clock p. m.,

Which motion prevailed.

The Chief Clerk reported that the Governor had returned to the House as requested, House Bill No. 29.

Mr. Brooke asked unanimous consent to reconsider the vote by which House Bill No. 67 was passed and to amend the bill as follows:

After the words "in one weekly paper in each county," insert the following: "in which a weekly paper is published,"

Which consent was given, and

The vote was reconsidered, and the bill was so amended.

House Bill No. 29 was referred to the Committee on State Affairs.

Mr. Skinner moved

That the House do now adjourn.

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1891.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

REPORTS OF STANDING COMMITTEES.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated cities, towns and villages,

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

GEORGE LUTZ,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 238,

A bill for an act amending Section 1 of Chapter 78 of the Laws of 1890, relating to the publication of insurance statements,

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

J. C. GILL,
Chairman.

The Joint Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

Your Joint Committee on County Officers' Salaries to whom was referred

House Bills Nos. 129 and 167 fixing the fees to be charged by the clerk of district court,

Have had the same under consideration and beg leave to report the following:

SUBSTITUTE FOR HOUSE BILL No. 129.

A Bill for an Act Entitled "An Act to Regulate the Fees of Clerks of the District Courts of the State of North Dakota."

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

SECTION 1. The clerks of the district court shall be entitled to charge for their services the following fees, and none other:

For entering any judgment, 20 cents for each judgment debtor and indexing cause.

For filing any plea or other paper, 10 cents.

For entering case on term calendar, 25 cents.

For entering each cause on judge's docket and indexing, 15 cents.

For taxing costs in any cause, 50 cents. Certificate of same, 25 cents.

For issuing a summons, 50 cents.

For issuing a subpoena, 50 cents.

For swearing jury in civil causes, 50 cents.

For swearing a witness in criminal jury, 10 cents for each person sworn.

For docketing any judgment, \$1.

For drawing petit jury and issuing venire, \$3.

For drawing grand jury and issuing venire, \$2.

For issuing any special venire for jurors, \$1.

For issuing execution in any case, \$1.

For issuing execution in decree of foreclosure, \$2.

For issuing bench warrants, \$1.

For issuing any attachment, \$1.

For declaration to become a citizen, including one certified copy of record, \$1.50.

For final naturalization papers, including certified copy, \$2.

For each additional copy of either, \$1.

For making record and certificate of admission, attorneys, \$2.

For entering and indexing mechanic's lien, 75 cents.

For entering discharge of mechanic's lien, 50 cents.

For making certified transcript of any judgment, \$1.

For entering discharge or satisfaction of judgment, 50 cents.

For approving security for costs in any cause, 50 cents.

- For approving any bond, 50 cents.
 For entering and indexing notary commission, \$1.
 For registering any bond, 50 cents.
 For issuing capias, \$1.
 For entering and indexing indictments or presentment, \$1.
 For certifying depositions to file, 10 cents.
 For taking any acknowledgement, with seal, 25 cents.
 For affixing the seal of the court to any instrument, 25 cents.
 For issuing any certificate with seal, 25 cents.
 For recording any rule, order, continuance, judgment, decree, recognizance, drawing any bond, making any record, return on report or copy of an entry of record or of any paper on file, each folio, 15 cents.
 For issuing commitment, \$1.
 For each day's attendance upon court, when actually in session, \$5.
 For every search for any particular judgment, or other lien, constituting a general lien upon real estate and certifying the result of such search, for each person therein named, 20 cents.
 For receiving, keeping and paying out money in pursuance of any statute or order of court, one per centum on the amount so received, to be paid by party receiving the money.
 For entering and recording a final judgment, when the same does not exceed four folios, \$1. For each additional folio, 10 cents.
 For entering a continuance in every action, where the same has been placed on trial calendar, 50 cents.
 For receiving and entering verdict of jury, 50 cents.
 For issuing commission to take depositions, \$1.
 For all other services required by law to be performed by such clerks, respectively, such fees as may be allowed by the court.
- SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

And recommend that the same do pass.

H. S. OLIVER,
 Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
 House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

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

JAS. V. BROOKE,
 Chairman, pro tem.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
 House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts.

Also,
 House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

Also,

House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An Act indemnifying the owners of sheep in case of damage by dogs and creating a fund to pay for the same by a tax on dogs."

Also,

House Bill No. 218,

A bill for an act defining the responsibility of persons operating steam threshing machines.

Also,

House Bill No. 190,

A bill for an act providing for the attendance of the county physician of each county upon all persons who may desire such attendance and who reside in such county or counties attached thereto for judicial purposes.

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals.

And find the same correctly engrossed.

JOHN BURKE,
Chairman,

The Joint Committee on Penal Institutions made the following report:

MR. SPEAKER:

Your Joint Committee on Penal Institutions to whom was referred

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

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

W. O. WARD,
Chairman.

UNFINISHED BUSINESS.

House Bill No. 67,

A bill for an act to provide for the publication of future amend-

ments to the Constitution, and fixing the rate of compensation therefor.

Was placed upon its final passage.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Oliver,
Beardsley,	Gill,	Osgood,
Brooke,	Hall,	Peabody,
Brown,	Hanson,	Peterson,
Burke,	Havrevold,	Richie,
Christianson,	Hill,	Satterlund,
Colosky,	Hodgson,	Skinner,
Cope,	Holte,	Smith,
Dail,	Holritz,	Strom,
Daniel,	Horgau,	Thompson,
Davis,	Kearney,	Triplett,
Dennett,	Lamb,	Tufts,
Douglas,	Larson,	Wallen,
Ebbighausen,	Loomis,	Ward,
Erickson,	Lutz,	Watson,
Farrah,	McCulloch,	Williams,
Fay,	McKendry,	Yegen,
Fiske,	Noltimier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjorson,	Graber,	Walton,
Burton,	Haight,	White.
Cunningham,	Loring,	

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

MOTIONS AND RESOLUTIONS.

Mr. Gill offered the following resolution, and moved its adoption:

Resolved, That until further ordered the hour of daily meeting of the House shall be 10 o'clock in the forenoon,

Which motion prevailed, and

The resolution was adopted.

Mr. Brooke moved

That House Bill No. 67, as amended, be transmitted at once to the Senate,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, Mc-

Henry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivision of the counties of Waillette and Howard, Dakota Territory," approved March 9, 1883,
And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivisions of the counties of Waillette and Howard, Dakota Territory," approved March 9, 1883.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Oliver introduced—
House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

Which was read the first time.

Mr. Oliver moved

That the rules be suspended and that all House bills on their first reading be read also the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 244 was read the second time and referred to the Committee on Appropriations.

Mr. Loomis introduced—
House Bill No. 245,

A bill for an act authorizing commissioners of the United States circuit court to administer oaths,

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

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 27, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have approved
House Bill No. 189,

An act providing for an appropriation to pay the ex-

penses incurred by the Governor of the State during the recent threatened Indian outbreak.

Very respectfully,
 ANDREW H. BURKE,
 Governor.

The courtesies of the floor were extended to Mr. Horton, of Mayville.

THIRD READING OF HOUSE BILLS.

House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Osgood,
Beardsley,	Graber,	Peabody,
Bjornson,	Haight,	Peterson,
Brooke,	Hall,	Richie,
Brown,	Hanson,	Satterlund.
Burke,	Havrevold,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Cunningham,	Holte,	Thompson,
Daily,	Holritz,	Triplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Wallen,
Dennett,	Lamb,	Walton,
Douglas,	Larson,	Ward,
Ebbighausen,	Loring,	Watson,
Erickson,	Lutz,	White,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.
Fiske,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Foss,	Noltmier,
Cope,	Loomis,	Williams.

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

Mr. Oliver asked unanimous consent to amend

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

As follows:

Amend Section 1 by adding after the word "unpaid" the words "personal property."

Also, by adding after word "and" in line 3 of the engrossed bill, the following: "real estate taxes become delinquent on the first day of June, 1891."

Which consent was given, and
The bill was so amended.

The question being upon the passage of the bill,
The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Fay,
Fiske,
Foss,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,
Erickson,

Messrs—

Farrah,
Noltimier,

Messrs—

Williams.

Mr. White voting in the negative.

So the bill passed and the title was agreed to.

Mr. Luts moved

That the votes by which House Bills No. 29 and 198 were
passed be reconsidered, and the motion to reconsider be laid upon
the table,

Which motion prevailed.

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal
Code, being Sections 6886 and 6888, Compiled Laws, 1887, and
for the further prevention of cruelty to animals,

Was read the third time, and

Mr. Oliver asked unanimous consent to amend the bill by strik-
ing out Section 4,

Which consent was given, and
The bill was so amended.

The question being upon the passage of the bill,
The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs---
Axvig,	Gill,	Oliver,
Beardsley,	Graber,	Osgood,
Bjornson,	Haight,	Peabody,
Brooke,	Hall,	Peterson,
Brown,	Hanson,	Richie,
Burke,	Havrevold,	Satterlund,
Christianson,	Hill,	Skinner,
Colosky,	Hodgson,	Smith,
Cunningham,	Holte,	Strom,
Daily,	Holritz,	Thompson,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Wallen,
Douglas,	Lamb,	Walton,
Ebbighausen,	Larson,	Ward,
Erickson,	Loomis,	Watson,
Farrah,	Loring,	White,
Fay,	Lutz,	Williams,
Fiske,	McCulloch,	Yegen,
Foss,	Noltimier,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs--	Messrs—
Burton,	Dennett,	Tripplett.
Cope,		

Mr. McKendry voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 26, nays 34.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Bjornson,	Graber,	Satterlund,
Brown,	Haight,	Skinner,
Cunningham,	Hall,	Smith,
Daily,	Havrevold,	Tripplett,
Davis,	Hodgson,	Tufts,
Dennett,	Horgan,	Walton,
Douglas,	Loomis,	Watson,
Farrah,	Oliver,	Williams.
Fay,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hanson,	Noltimier,
Brooke,	Hill,	Peabody,
Burke,	Holte,	Peterson,
Christianson,	Holritz,	Richie,
Colosky,	Kearney,	Strom,
Cope,	Lamb,	Thompson,
Daniel,	Larson,	Wallen,
Ebbighausen,	Loring,	Ward,
Erickson,	Lutz,	White,

Messrs—
Fiske,
Foss,
Gill,

Messrs—
McCulloch,
McKendry,

Messrs—
Yegen,
Mr. Speaker.

Messrs. Axvig and Burton being absent and not voting.

So the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An Act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100."

Also,
Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto.

Also,
Senate Bill No. 182,
A bill for an act authorizing the levy of State tax.

Also,
Senate Bill No. 189.

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883,

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

C. C. BOWSFIELD,
Secretary.

House Bill No. 147,

A bill for an act to repeal Section 2 of Chapter 88 of Laws of 1890, entitled "An Act providing for a lien upon threshing engines or separators for repairing the same,"

Was read the third time, and

Mr. Holte moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 36, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hall,	McKendry,
Burke,	Hanson,	Noltmier,
Christianson,	Havrevold,	Peabody,
Daily,	Hill,	Peterson,
Davis,	Hodgson,	Richie,
Dennett,	Holte,	Satterlund,
Douglas,	Holritz,	Skinner,
Ebbighausen,	Larson,	Strom,
Erickson,	Loomis,	Ward,
Fay,	Loring,	Watson,
Fiske,	Lutz,	White,
Foss,	McCulloch,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Smith,
Bjornson,	Graber,	Thompson,
Brown,	Haight,	Triplett,
Colosky,	Horgan,	Tufts,
Cope,	Kearney,	Walton,
Cunningham,	Lamb,	Williams,
Daniel,	Oliver,	Yegen.
Farrah,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Osgood,	Wallen.
Burton,		

And so the motion prevailed, and

The further consideration of House Bill No. 147 was indefinitely postponed.

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890,

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

The question being upon the passage of the bill,

The roll being called there were ayes 51, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Foss,	McCulloch,
Brown,	Gill,	McKendry,
Burke,	Graber,	Noltmier,
Christianson,	Haight,	Oliver,
Colosky,	Hall,	Peterson,
Cope,	Hanson,	Richie,
Cunningham,	Havrevold,	Satterlund,
Daily,	Hill,	Skinner,
Daniel,	Hodgson,	Smith,
Davis,	Holte,	Strom,
Dennett,	Holritz,	Thompson,
Douglas,	Horgan,	Triplett,
Ebbighausen,	Kearney,	Tufts,
Erickson,	Lamb,	Wallen,
Farrah,	Larson,	Watson,
Fay,	Loomis,	White,
Fiske,	Loring,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Peabody,	Ward,
Lutz,	Walton,	Yegen.
Osgood,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Burton,	Mr. Speaker.
Bjornson,		

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

The question being upon the title of the bill,

Mr. Brooke moved

To amend the title to read as follows:

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890, entitled "An act to regulate common carriers, and defining common carriers, and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota," and to re-enact the same,

Which motion prevailed, and

The title was so amended.

House Bill No. 56,

A bill for an act to repeal an act entitled "An Act to repeal an act entitled 'An Act to provide for the licensing of public warehouses,'" Chapter 138, Session Laws of 1890,

Was read the third time, and

Mr. Lutz moved

That the consideration of the bill be postponed until House Bill No. 212 be acted upon,

Which motion prevailed.

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds,

Was read the third time, and

Mr. Oliver moved

That action on the bill be deferred until House Bill No. 212 shall be disposed of,

Which motion prevailed.

House Bill No. 55,

A bill for an act for the establishment and location of an Industrial School of Manual Training at the city of Ellendale, in the county of Dickey and State of North Dakota, agreeable to the provisions of the third subdivision of Section 126 of the Constitution of this State,

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

The question being upon the passage of the bill.

The roll being called there were ayes 30, nays 28.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Burke,	Holritz,	Satterlund,
Christianson,	Larson.	Smith,
Cope,	Loomis,	Strom,
Dennett,	Loring,	Thompson,
Erickson,	Lutz,	Triplett,
Fay,	McKendry,	Tufts,
Gill,	Oliver,	Ward,
Havrevold,	Osgood,	White,
Hill,	Peabody,	Yegen,
Holte,	Richie,	Mr. Speaker.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Axvig,	Douglas,	Horgan,
Beardsley,	Ebbighausen,	Kearney,
Bjornson,	Farrah,	Lamb,
Brooke,	Fiske,	McCulloch,
Brown,	Foss,	Noltmier,
Colosky,	Graber,	Peterson,
Cunningham,	Haight,	Skinner,
Daily,	Hall,	Wallen,
Daniel,	Hanson,	Walton.
Davis,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Burton,	Watson,	Williams.
Hodgson,		

And so the bill was lost, a majority of the members-elect not voting therefor.

House Bill No. 74,

A bill for an act to amend Sections 4, 5 and 8 of the Special Laws of 1885, entitled "An act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T.,"

Was read the third time, and

Mr. Beardsley moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Bjornson moved

That the House return to the sixth order of business,

Which motion prevailed.

The Special Joint Committee on Education appointed for the purpose of arranging, compiling and codifying all school laws, etc., made the following report:

MR. SPEAKER:

Your Special Joint Committee on Codifying School Laws to whom was referred all the present existing school laws, school land laws and laws pertaining to the State educational institu-

tions, including the laws that have been passed at this session of the Legislative Assembly relating thereto,

Have had the same under consideration and recommend that the accompanying bill be passed.

A. BJORNSON,
On part of House.
W. B. PINKHAM,
J. McCORMICK,
On part of Senate.

Mr. Oliver moved

That when the House adjourn, it be to take a recess until 7:30 o'clock p. m. this evening, and that the order of business be the first reading of the bill relating to the codification of school laws,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1891. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 152,

A concurrent resolution providing for the repeal by vote of the people of Article 20 of the Constitution of the State of North Dakota, entitled "Prohibition,"

Which the Senate has indefinitely postponed.

C. C. BOWSFIELD,
Secretary.

House Bill No. 18,

A bill for an act to amend Section 45 of Chapter 62, Session Laws of 1890,

Was read the third time, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 50,

A bill for an act to amend Section 129, Article 12, Chapter 62, providing for free public schools,

Was read the third time, and

Mr. Douglas moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 51,

A bill for an act to amend Section 123 of Article 11 of Chapter 62 of Public School Laws of 1890,

Was read the third time, and

Mr. Beardsley moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 44, nays 7.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Christianson,
Colosky,
Daniel,
Douglas,
Fay,
Fiske,
Gill,
Graber,
Haight,
Havrevold,
Hill,

Messrs—

Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Triplett,
Tufts,
Walton,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Daily,

Messrs—

Farrar,
Foss,

Messrs—

Hanson,
Ward.

Absent and not voting:

Messrs—

Burton,
Cope,
Cunningham,
Davis,

Messrs—

Dennett,
Ebbighausen,
Ericksen,
Hall,

Messrs—

Strom,
Thompson,
Wallen.

So the bill passed and the title was agreed to.

House Bill No. 218,

A bill for an act defining the responsibility of persons operating steam threshing machines,

Was read the third time, and

Mr. Fiske asked unanimous consent to amend the bill as follows:

In line 2 of Section 1, after the word "machines," insert "and using fuel other than coal in their threshing engines."

Objection made.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Brooke moved

That the rules be suspended and that House Bill No. 230 be now placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

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

The question being upon the passage of the bill,

The roll being called there were ayes 55, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Farrah,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
Noltimer,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,
Burton,

Messrs—

Cope,
Ebbighausen,

Messrs—

Richie,
Williams.

Mr. McKendry voting in the negative.

So the bill passed and the title was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Tufts moved
That House Bill No. 212 be recommitted.

Mr. Oliver moved
To lay the motion upon the table,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also, in the House amendment to
House Bill No. 67,

A bill for an act to provide for the publication of future amendments to the Constitution and fixing the rate and method of compensation therefor.

Both of which the Senate has passed as amended.

C. C. BOWSFIELD,
Secretary.

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto,

Was read the third time, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed.

Mr. Oliver moved
To lay the motion upon the table.

Roll call demanded,

The roll being called there were ayes 34, nays 23.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burton,
Christianson,
Dennett,

Messrs—

Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Loring,

Messrs—

Peabody,
Peterson,
Skinner,
Strom,
Thompson,
Triplett,

Messrs—
 Douglas,
 Erickson,
 Fiske,
 Foss,
 Graber,
 Haight,

Messrs—
 Lutz,
 McCulloch,
 McKendry,
 Noltimier,
 Oliver,

Messrs—
 Wallen,
 Walton,
 Ward,
 White,
 Yegen.

Those who voted in the negative were:

Messrs—
 Brooke,
 Burke,
 Colosky,
 Cope,
 Cunningham,
 Daily,
 Daniel,
 Davis,

Messrs—
 Fay,
 Gill,
 Horgan,
 Kearney,
 Lamb,
 Larson,
 Loomis,
 Osgood,

Messrs—
 Richie,
 Satterlund,
 Smith,
 Tufts,
 Watson,
 Williams,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Brown,
 Ebbighausen,

Messrs—
 Farrah,
 Holte,

Messrs—
 Holritz.

So the motion to lay upon the table prevailed, and
 The motion to indefinitely postpone was lost.

Mr. Tufts moved
 That the House do now adjourn,
 Which motion was lost.

Mr. Gill moved
 That the bill be recommitted to the Committee on Warehouses,
 Grain Grading and Dealing for amendment.

Mr. Oliver moved
 To lay the motion upon the table,
 Which motion prevailed.

The question being upon the passage of the bill,
 The roll being called there were ayes 38, nays 21.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Beardsley,
 Bjornson,
 Burton,
 Christianson,
 Davis,
 Dennett,
 Erickson,
 Fay,
 Fiske,
 Foss,
 Graber,
 Haight,

Messrs—
 Hall,
 Hanson,
 Havrevold,
 Hill,
 Hodgson,
 Holritz,
 Loring,
 Lutz,
 McCulloch,
 McKendry,
 Noltimier,
 Ohver,
 Peabody,

Messrs—
 Peterson,
 Richie,
 Satterlund,
 Skinner,
 Strom,
 Thompson,
 Wallen,
 Walton,
 Ward,
 White,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brown,
Burke,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,

Messrs—

Douglas,
Farrah,
Gill,
Holte,
Horgan,
Kearney,
Lamb,

Messrs—

Larson,
Loomis,
Osgood,
Smith,
Triplett,
Tufts,
Watson.

Absent and not voting:

Messrs—

Brooke,

Messrs—

Ebbighausen,

Messrs—

Williams.

So the bill passed, but the emergency clause was lost, two-thirds of the members present and voting not voting therefor, and The title of the bill was agreed to.

Mr. Oliver moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,
Which motion prevailed.

Substitute for House Bill No. 203,

A bill for an act to amend Section 16 of an act entitled "An act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of North Dakota," Chapter 108, Session Laws of 1890,

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

The question being upon the passage of the bill,
The roll being called there were ayes 50, nays 4.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Farrah.

Messrs—

Fay,
Fiske,
Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,

Messrs—

Lutz,
McCulloch,
McKendry,
Noltmier,
Oliver,
Osgood,
Peabody,
Skinner,
Strom,
Triplett,
Tufts,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Peterson,
Richie,

Messrs—

Satterlund,

Messrs—

Smith.

Absent and not voting:

Messrs—

Brooke,
Ebbighausen,
Foss,

Messrs—

Loring,
Thompson,
Wallen,

Messrs—

White,
Williams.

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

Mr. Erickson moved

That the House do now adjourn,

Which motion prevailed, and

The House took a recess until 7:30 o'clock p. m.

House reassembled at 7:30 o'clock p. m.

House Bill No. 246,

A bill for an act to be known as the School Code of the State of North Dakota, which shall embrace all General Laws in force pertaining to public school, State Educational Institutions, school lands and public lands appropriated to the use of the Educational Institutions of the State,

Was considered.

Mr. Lutz moved

That the further consideration of the bill be indefinitely postponed,

Motion withdrawn.

Mr. Gill moved

That the bill be referred to the Attorney General for his opinion as to the constitutionality of the bill, especially with reference to Section 61 of the Constitution,

Which motion prevailed.

Mr. Gill moved

That Mr. Cathro, Deputy Superintendent of Public Instruction, be requested to explain the provisions of the bill to the House,

Which motion prevailed, and

Mr. Cathro addressed the House.

Mr. Brown moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1891.

The House assembled at 10:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present, except Messrs. Holte and Watson, who were excused.

The Speaker appointed as the committee to examine and correct the Journal of the fifty-fourth day Messrs. Kearney, Holritz and Loomis.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor,
Have had the same under consideration and recommend that
the same do pass.

FRED DENNETT,
Chairman.

The Committee on Banking made the following report:

MR. SPEAKER:

Your Committee on Banking to whom was referred
House Bill No. 127,

A bill for an act for the supervision of banks other than state
or national banks doing business in the State of North Dakota,
Have had the same under consideration and report the same
back with the various amendments, suggested without recom-
mendation.

H. S. OLIVER,
Chairman.

Mr. Fay moved

That House Bill No. 127 be made a special order for 2 o'clock this afternoon.

Mr. Bjornson moved as a substitute

That it be made a special order for Monday at 3 o'clock p. m.,
Which motion prevailed.

The Committee on Manufactures made the following report:

MR. SPEAKER:

Your Committee on Manufactures to whom was referred
House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

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

In line 3, Section 4, the word "one-sixth" be inserted in place of the word "one-fourth" in printed bill,

And when so amended recommend that the same do pass.

L. P. HAVREVOLD,
Chairman.

Mr. Holritz moved

To adopt the report,
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. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State providing a penalty for refusal of information regarding the same,

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

FRED DENNETT,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 229,

A bill for an act to amend paragraph 5 of Article 7, Chapter 9 of the Political Code, Compiled Laws, 1887, relating to specific powers of the board of county commissioners,

Have had the same under consideration and recommend that the same be returned for correction.

GEO. H. FAY,
Chairman.

Mr. Graber moved
To adopt the report,
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. 233,

A bill for an act to repeal Section 4, and to amend Sections 6 and 7, Chapter 184 of the Laws of 1890, being an act defining usury and the penalty for taking the same,

Have had the same under consideration and recommend that the same be returned for correction.

GEO. H. FAY,
Chairman.

Mr. Loring moved
To adopt the report,
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. 239,

A bill for an act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements,

Have had the same under consideration and recommend that the same be amended by striking out Section 7,

And when so amended return the same without recommendation.

Also,

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed,

And recommend that the same do pass.

GEO. H. FAY,
Chairman.

The Committee on Appropriations made the following majority and minority reports on House Bill No. 234:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

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

G. G. BEARDSLEY,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for
compiling the Laws of the State of North Dakota,

Have had the same under consideration and a minority recom-
mend that the same do not pass.

G. G. BEARDSLEY,

W. O. WARD,

FRED DENNETT.

Minority.

Mr. Fay moved

To adopt the report of the majority,

Which motion prevailed, and

The report of the majority was adopted.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Gill introduced the following communication:

JAMESTOWN, N. D., Feb. 23d, 1891.

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

We the executive committee, representing the A. O. U. W., I. O. of O. F., A. F. and A. M., K. of H., O. R. C., B. of L. E., B. of R. T., B. of L. H., F. A. A. A. and Switchmen's Union. All societies having various insurance features connected therewith for the protection of their members and the families, believe, after a thorough examination of the substitute bill for House Bill No. 65, that it is objectionable to our interests and to the members of all mutual beneficiary assessment insurance associations.

We believe that all such associations, having for their objects and aims beneficial security for their members, are doing the greatest good to mankind that it is possible for them to do. We believe, that as past experience has taught us, who are the representatives of nearly a million dollars of this kind of insurance in Jamestown alone, that we need no legislation upon this subject, and only ask that our legislative bodies see to it, that no restrictions are placed upon our various organizations, or any kind or nature. We ask that they be left to their own security, and to work out the various problems of interest as seems best to themselves.

The substitute bill assumes to regulate all life insurance companies doing business on the assessment plan. Yet, the first section excepts all the known companies doing business on that plan, except those who do not confine their membership to a particular order, religion, or fraternity. Of these we have in mind the Northwestern Masonic Aid Association, the Council Bluff, and there may be others. But why not include them in with those not affected by the bill. The Northwestern Masonic Aid Association is an old and well established, deserving association. By the contribution of its members it has paid over \$1,400,000 to 250 widows and 1,200 orphan children, during the past year alone. Yet, it is not exempt, for the reason it does not confine its membership to any particular order, fraternity or religion, but extends its benefits to those who seek them and may be recommended by those who are members of the Masonic fraternity.

It is a question if the bill is not subject to the charge of being unconstitutional, as violating Section 20 of the Constitution of North Dakota.

The deposits required by Sections 3 and 10 of the substitute cannot be made by any mutual assessment company, and we believe they should not for we consider that the surplus is safer in the pockets of those whose interests depend upon their producing it when called for than in any other that it could

be placed. (See Insurance and Commercial Magazine for July 1890, page 44.) Out of \$170,000,000 of surplus in the hands of companies that have failed in the last fifteen years, less than \$5,000,000 has been realized by policy holders.

We are of the opinion that the whole tenor of the substitute bill seems designed to prevent any assessment company from being organized or doing business in this State.

We believe that there is not any present necessity for such legislation, and earnestly request the legislature not to pass the substitute for House Bill No. 65.

M. H. SCHMITZ,
Chairman.

FRANK INGALLS,
Secretary.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,
House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain."

Also,
House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, 1887, and for the further prevention of cruelty to animals.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The Joint Committee on Education made the following report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred
House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

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

Amend Section 1 in line 1 by inserting after the word "at" the words "the city of."

In line 2 insert before the word "Traill" the words "in the county of." Strike out the word "county" after the word "Traill," and insert before the word "north" the words "and State of."

In line 7 insert after the word "at" the words "the city of." Insert before the word "Barnes" the words "in the county of." Strike out the word "county" after the word "Barnes" and insert before the word "north" the words "and State of."

Amend Section 4 by striking out the whole section and inserting in lieu thereof the following: "The board of management for each Normal school shall consist of five members. The Board of Directors of the State Normal Schools shall consist of twelve members, ten of whom shall be the members of the respective boards of management as herein provided. The Governor and State Superintendent of Public Instruction shall be *ex-officio* members of said Board of Directors. The Superintendent of Public Instruction shall act as President of the Board of Directors."

Amend Section 6 by striking out the whole section and inserting in lieu thereof the following: "The Governor shall appoint, by and with the consent of the Senate, if the Legislative Assembly be then in session, otherwise without such consent, the members of the Board of Directors as herein provided. Five members shall be appointed for two years and five for four years. Biennially thereafter five members shall be appointed for four years, by and with the consent of the Senate, on or before the third Monday in February of each biennial session of the Legislative Assembly. The Governor shall fill all vacancies by appointment for the unexpired term."

The board of management of the Normal School at Mayville shall consist of two of the members appointed as herein provided for two years and three for four years, and their successors in office as provided herein. The board of management of the Normal School at Valley City shall consist of three of the members appointed as herein provided for two years, and two for four years, and their successors as provided herein. At the first meeting of the board of management of each normal school, the members thereof shall take and subscribe the oath of office required of all civil officers of the State, and shall proceed to elect a president, who shall reside in the vicinity of such normal school, and the principal of the school shall be the secretary of the board, but shall have no vote in the board. In the absence of the principal, the board may select one of their own number to act as secretary of said board; a majority of said board shall be a quorum for the transaction of business.

Amend Section 5, in line 5, by striking out all the words after the word "Directors" down to the end of the section, and inserting in lieu thereof the following: "of the State Normal School shall be composed of the members of the boards of directors of the respective normal schools appointed and acting as provided by law at the time of the adoption of this act, and the Governor shall, immediately upon the taking effect of this act, designate which of said members shall serve for two years, and which for four years as herein provided."

Amend Section 7, in line 4, by striking out all after the word "serve."

Strike out all of line 5 except the word "at."

In line 6 strike out all after the word "shall."

Strike out all of line 7.

In line 10 strike out all after the word "business."

Amend Section 9, in line 6, by inserting after the word "management" the words "or in other duties connected therewith."

Amend Section 10 by striking out all of the words therein and inserting in lieu thereof the following: "To provide for the erection and maintenance of said State Normal Schools, the said Board of Directors may issue bonds for such sum or sums of money as can be actually used in the construction of permanent buildings, procuring the ground whereon to build the same, and other needed and necessary improvements to be made, and for the maintenance of each such normal school, not exceeding the sum of \$20,000 for each such normal school. Said bonds shall be in denomination of \$1,000 each, shall bear interest at a rate not exceeding 6 per cent. per annum and shall be pay-

able from the interest and income fund belonging to the respective State Normal Schools to accumulate from the sale of lands hereinbefore appropriated or from the rental of such lands. The interest on said bonds shall be payable annually on the first day of January of each year and shall be payable from the interest and income funds belonging to the respective State Normal Schools as herein provided; *Provided*, That if at any time there shall not be sufficient money in such fund to pay such interest there is hereby appropriated out of the State Treasury, out of any funds not otherwise appropriated, a sum sufficient to meet the deficiency in the payment of such interest; *Provided, further*, That a sufficient amount of the funds accumulating in the interest and income fund of the respective normal schools shall be used and applied solely for the payment of the interest on such bonds and for the creation of a sinking fund with which to pay such bonds upon maturity.

Amend Section 12 in line 1 by striking out the words "said board" before the word "shall" and insert in lieu thereof the words "boards of management of the respective Normal schools."

In line 6 strike out the words "Board of Directors" before the word "and" and insert in lieu thereof the words "board of management."

In line 9 after the word "Board" insert the words "of Directors."

Amend Section 14 by striking out all the words after the word "direction" in line 12 down to the end of the section, and inserting in lieu thereof the words "of either of the boards of management as herein provided shall be audited and allowed by such board of management and the expenditures incurred by or under the direction of the Board of Directors as herein provided, shall be audited and allowed by the Board of Directors of the State Normal Schools, as provided in Section 12 of this act."

And when so amended recommend that the same do pass.

FRANK WHITE,
Chairman.

Mr. White moved
To adopt the report,
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. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

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

G. G. BEARDSLEY,
Chairman.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Skinner introduced—
House Bill No. 247,

A bill for an act to reapportion this State into senatorial districts, and fix the number of Senators and Representatives in the Legislative Assembly of the State of North Dakota,

Which was partially read the first time, and

Mr. Peterson moved

That the further reading of the bill be deferred until the same shall be printed,

Which motion prevailed.

Mr. Gill introduced—

House Bill No. 248,

A bill for an act amending Section 1, Chapter 132 of the Laws of 1887, being Sections 3024 of the Compiled Laws of 1887, and relating to railway police,

Which was read the first time, and

Mr. Burke moved

That the rules be suspended, and that all House bills read the first time to-day be also read the second time and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 248 was read the second time, and referred to the Committee on Judiciary.

Mr. Lamb (by request) introduced—

House Bill No. 249,

A bill for an act to prevent property from escaping taxation through technical defects,

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

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled, "Bounty for Wolf Scalps,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Colosky,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Foss,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,

Messrs—

Noltimier,
Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Ward,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,
 Christianson,
 Cope,
 Cunningham,

Messrs—

Holte,
 Horgan,
 McKendry,
 Tufts,

Messrs—

Wallen,
 Walton,
 Watson,
 Williams.

Mr. Daily voting in the negative.

Messrs. Holte and Watson being excused.

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

House Bill No. 226,

A bill for an act to amend Section 3, Chapter 100, of the Laws of 1890, being an act to amend Articles 4 and 9 and 16 of Chapter 73, of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Was read the third time, and

Mr. Oliver moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890, being an act authorizing counties to fund outstanding indebtedness,

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

The question being upon the passage of the bill,

The roll being called there were ayes 42, nays 10.

Those who voted in the affirmative were:

Messrs—

Axvig,
 Beardsley,
 Bjornson,
 Brooke,
 Christianson,
 Daily,
 Daniel,
 Davis,
 Ebbighausen,
 Erickson,
 Foss,
 Gill,
 Graber,
 Hall,

Messrs—

Hanson,
 Havrevold,
 Hill,
 Hodgson,
 Holritz,
 Horgan,
 Kearney,
 Lamb,
 Loomis,
 Lutz,
 McCulloch,
 Noltimier,
 Oliver,
 Osgood,

Messrs—

Peabody,
 Peterson,
 Richie,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Triplett,
 Tufts,
 Wallen,
 Ward,
 White,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—

Burke,
 Colosky,
 Cunningham,
 Douglas,

Messrs—

Farrar,
 Fay,
 Fiske,

Messrs—

Haight,
 Larson,
 Loring.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Holte,	Walton,
Burton,	McKendry,	Watson,
Cope,	Satterlund,	Williams.
Dennett,		

Messrs. Holte and Watson being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies.

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

The question being upon the final passage of the bill,

The roll being called there were ayes 45, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrar,	Loring,
Beardsley,	Fay,	Noltimier,
Bjornson,	Fiske,	Oliver,
Brooke,	Gill,	Osgood,
Brown,	Graber,	Peabody,
Burke,	Haight,	Peterson,
Burton,	Hanson,	Skinner,
Christianson,	Havrevold,	Smith,
Colosky,	Hill,	Strom,
Cunningham,	Hodgson,	Thompson,
Daily,	Holritz,	Tufts,
Davis,	Horgan,	Ward,
Dennett,	Lamb,	White,
Ebbighausen,	Larson,	Yegen,
Erickson,	Loomis,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daniel,	Kearney,	McCulloch,
Douglas,	Lutz,	McKendry.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Richie,	Walton,
Foss,	Satterlund,	Watson,
Hall,	Triplett,	Williams.
Holte,	Wallen,	

Messrs. Foss, Holte and Watson being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Mr. Beardsley moved

That the House do now take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House reassembled at 2 o'clock p. m.

House Bill No. 122,

A bill for an act to organize a county board of supervisors, one from each township, city and incorporated village, to take the place of the board of county commissioners, and prescribing the duties thereof,

Was read the third time, and

Mr. Strom asked unanimous consent to amend the bill as follows:

In line 6, Section 3, fill in the blank with the word "three."

Which consent was given, and

The bill was so amended.

Mr. Daily moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Strom asked unanimous consent to further amend to bill.

Objection made.

The question being upon the passage of the bill,

The roll being called there were ayes 20, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hodgson,	Strom,
Beardsley,	Holritz,	Thompson,
Christianson,	Larson,	Wallen,
Dennett,	McCulloch,	Walton,
Hanson,	Peabody,	Ward,
Havrevold,	Peterson,	Yegen.
Hill,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fiske,	Noltmier,
Brown,	Gill,	Oliver,
Burke,	Grabner,	Osgood,
Burton,	Haight,	Richie,
Colosky,	Hall,	Satterlund,
Cope,	Horgan,	Skinner,
Cunningham,	Kearney,	Triplett,
Daily,	Lamb,	Tufts,
Daniel,	Loomis,	White,
Douglas,	Loring,	Williams,
Farrar,	Lutz,	Mr. Speaker.
Fay,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Erickson,	Holte,
Davis,	Foss,	Watson.
Ebbighausen,		

Messrs. Holte and Watson being excused.

Messrs. Brown, Burton and Daily explaining their votes.

So the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 28, 1891. } •

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,

Also,

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Also,

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds,"

Also,

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions,

Also,

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections.

Also,

Senate Bill No. 181,

A Concurrent Resolution to amend Section 158 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 24 of Chapter 39 of the Political Code of 1877."

Also,

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

All of which the Senate has passed and your favorable consideration thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 29,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1890.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of future amendments to the Constitution and fixing the rate and method of compensation therefor.

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of future amendments to the Constitution, and fixing the rate and method of compensation therefor.

House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brooke,
Brown,

Messrs—

Gill,
Graber,
Haight,
Hall,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,

Messrs—

Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Dail,
Daniel,
Dennett,
Douglas,
Erickson,
Farrah,
Fay,
Fiske,
Foss,

Messrs—

Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,
Oliver,

Messrs—

Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
White,
Williams.
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Axvig,
Davis,

Messrs—

Ebbighausen,
Holte,

Messrs—

Noltimier,
Watson.

Messrs. Holte and Watson being excused.

So the bill passed; more than two-thirds of the members present and voting voting therefor, and the title was agreed to.

Mr. Gill moved

That the votes by which substitute for House Bill No 65, and House Bill No. 244 were passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry and prescribing the duties thereof,

Have had the same under consideration and report the bill back to the House without recommendation.

J. S. RICHIE,
Chairman.

The Committee on Temperance made the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
House Bill No. 235,

A bill for an act repealing Chapter No. 110 of the Laws of the First Legislative Assembly of North Dakota, entitled "Prohibition,"

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

L. C. HILL,
Chairman.

Mr. Burke moved

That House Bill No. 235 be made a special order for Monday, at 3 o'clock.

Mr. Bjornson moved as a substitute,

That the further consideration of the bill be indefinitely postponed.

Mr. Burke moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Davis, Ebbighausen, Holte, Noltimier and Watson,

Messrs. Holte and Watson excused.

Mr. Gill moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The question recurring upon the motion to indefinitely postpone House Bill No. 235,

Roll call was demanded.

The roll being called there were ayes 29, nays 28.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Gill,	Richie,
Bjornson,	Hanson,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Hodgson,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Douglas,	Noltimier,	Wallen,
Erickson,	Oliver,	Ward,
Fiske,	Peabody,	Mr. Speaker.
Foss,	Peterson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Graber,	Lutz,
Brown,	Haight,	McKendry,
Burke,	Hall,	Osgood,
Colosky,	Havrevold,	Satterlund,
Cope,	Holritz,	Triplett,
Cunningham,	Horgan,	Walton,
Daily,	Kearney,	White,
Daniel,	Larson,	Williams,
Farrah,	Loomis,	Yegen.
Fay,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Holte,	Watson.
Ebbighausen,	Lamb,	

Messrs. Holte and Watson being excused.

And so the motion prevailed, and

The further consideration of House Bill No. 235 was indefinitely postponed.

Mr. Speaker announced his signature to House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds.

Also,

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890.

Mr. Brooke moved

That House Bill No. 207 be recalled from the Committee on Temperance, and referred to the Committee of the Whole.

Roll call demanded.

The roll being called there were ayes 27, nays 31.

Those who voted in the affirmative were:

Messrs—

Axvig,
Brooke,
Brown,
Burke,
Colosky,
Cunningham,
Daily,
Daniel,
Erickson,

Messrs—

Farrah,
Fay,
Graber,
Haight,
Hall,
Havrevold,
Holritz,
Horgan,
Kearney,

Messrs—

Loomis,
Lutz,
McKendry,
Osgood,
Satterlund,
Walton,
White,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—

Beardsley,
Bjornson,
Burton,
Christianson,
Davis,
Dennett,
Douglas,
Fiske,
Foss,
Gill,
Hanson,

Messrs—

Hill,
Hodgson,
Lamb,
Larson,
Loring,
McCulloch,
Noltmier,
Oliver,
Peabody,
Peterson,

Messrs—

Richie,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Ward,
Mr. Speaker.

Absent and not voting:

Messrs—

Cope,
Ebbighausen,

Messrs—

Holte,

Messrs—

Watson.

Messrs. Holte and Watson being excused.

And so the motion was lost.

Mr. Lutz moved

That the bill be made a special order for 10:30 o'clock a. m. Monday, March 2d, and that the Committee on Temperance be instructed to report the bill back to the House previous to that hour,

Which motion prevailed, and
The bill was made a special order.

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol,

Was read the third time, and

Mr. Foss moved

That the further consideration of the bill be indefinitely postponed.

Mr. Oliver moved

To lay the motion upon the table,

Which motion prevailed.

The question being upon the passage of the bill,

The roll being called there were ayes 46, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Douglas,
Farrah,
Fay,
Gill,

Messes—

Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,

Messrs—

McKendry,
Oliver,
Osgood,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Walton,
Ward,
White,
Williams,
Yegen.

Absent and not voting:

Messrs—

Beardsley,
Dennett,
Ebbighausen,
Erickson,
Fiske,

Messrs—

Hodgson,
Holte,
Noltimier,
Peabody,
Peterson,

Messrs—

Richie,
Wallen,
Watson,
Mr. Speaker.

Messrs. Christianson and Foss voting in the negative.

Messrs. Holte and Watson being excused.

So the bill passed and the title was agreed to.

Mr Oliver moved

That House Bill No. 131 be taken from general orders and made a special order for Monday at 11 o'clock,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that at 2:40 p. m. February 28, 1891, House Bills Nos. 183, 67 and 29, Were delivered to His Excellency, the Governor, for his approval.

H. A. NOLTIMIER,
Chairman.

Mr. Gill moved

That the vote by which House Bill No. 204 was lost yesterday be reconsidered,

Which motion prevailed.

Mr. Gill moved

That House Bill No. 204 be made a special order for Monday at 4 o'clock,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 28, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have this day approved House Bill No. 29,

An Act providing for extension of the time for the payment of the taxes for the year 1890.

Very respectfully,
ANDREW H. BURKE,
Governor.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 225, made a special order for 3 o'clock p. m.,

Mr. Oliver moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 225,

Which motion prevailed, and

Mr. Speaker called Mr. Brown to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,

Have considered the sections and recommend that Section 1 be amended as follows:

After the word "fres" in line 32, insert the words "not held in store for sale."

Also, recommend that Section 2 be adopted.

Also, recommend that Section 3 be amended as follows:

In line 63, at the end add the word "and when so amended that it be re-enacted.

Also, recommend that Section 3 be further amended as follows:

In line 71, after the word "all," and before the word "mortgage" insert the words "real estate."

Also, recommend that Section 3 be further amended as follows: Add at the close of line 84 the following:

And all parties holding such mortgages or other real estate securities, are hereby required, if they have received satisfaction, or made an assignment of such securities, to file a record of the same with the register of deeds on or before the last Saturday of March in each year, and any failure so to do shall be a bar to any claim for abatement of taxes.

Also, recommend that Section 4 be stricken out.

Also, recommend that Section 5 be amended by striking out subdivision 6.

Also, recommend that Section 6 be amended by adding at the close thereof the following: "Provided, That nothing in this act contained shall be construed as repealing the act providing for the extension of the time for the payment of taxes for the year 1890, approved February 28, 1891."

Also, recommend that Section 6 be further amended as follows: In line 162 after the word "the" strike out the words "1st day of March" and insert in lieu thereof the words "1st day of October."

Also, recommend that Sections 7 and 8 be adopted.

Also, recommend that Section 9 be amended as follows: In line 315 strike out the word "of" and substitute the word "in."

Also, recommend that the section be further amended as follows: In line 344 strike out the word "lowest" and substitute the word "Highest."

Also, recommend that Sections 10 and 11 be adopted.

Also, recommend that Section 12 be adopted.

Also, recommend that Section 13 be adopted.

Also, recommend that the proposed Section 111 be stricken out.

Also, recommend that section 9 be further amended as follows: Strike out the figures "10" in line 345, and substitute therefor the figures "15."

Also, recommend that the title be amended to read as follows:

A bill for an act to amend Sections 5, 18, 29, 46, 55, 48, 110, 68 and 76, of Chapter 132 of the Laws of 1890, and to repeal Chapter 132 of the Laws of 1890, being an act entitled "An Act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,

And when so amended recommend that the bill do pass but that amendments be permitted on its third reading.

W. M. H. BROWN,
Chairman.

Mr. Richie moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Lutz moved

That all bills in general orders, or bills fixed for special orders, be placed upon their third reading, with privilege of amendments,

Which motion prevailed.

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

Be it Resolved by the House, That the Standing Committees of the House are hereby requested to report back all bills in their possession, either with or without recommendation, not later than 2 o'clock p. m. of Tuesday, March 3rd,

Which motion prevailed, and
The resolution was adopted.

Mr. Burton moved

That when the House adjourns it be to take a recess until 7:30 o'clock p. m., and that Senate Bill No. 178 be considered at the evening session.

Which motion was lost.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 234,
A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota.

Also,

House Bill No. 159,

A bill for an act to amend Section 30, Chapter 132, of the Laws of 1890, being an act entitled "An Act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

Also,

House Bill No. 238,

A bill for an act to amend Section 1 of Chapter 78 of the Laws of 1890, entitled "An Act to amend Section 16 of Chapter 69 of the Laws of 1885 and Section 10 of Chapter 69, General Laws of 1889," relating to the publication of insurance statements.

Also,

House Bill No. 178,

A bill for an act to protect the cheese industry in North Dakota.

Also,

House Bill No. 129,

A bill for an act entitled "An Act to regulate the fees of clerks of the district court of the State of North Dakota."

Also,

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated cities, towns and villages.

Also,

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries.

Also,
House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended.

Also,
House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells, and to provide for locating the same,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Gill moved

That Senate Bill No. 186 be now read the first and second times and placed upon its final passage,

Which motion prevailed.

Mr. Beardsley moved

That the House do now adjourn,

Which motion was lost.

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.,

Was read the third time and

Mr. Burke moved

That further consideration of the bill be deferred until Wednesday at 3 o'clock p. m.

Mr. Daily moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 23, nays 28.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brown,
Burke,
Colosky,
Cunningham,
Daily,
Daniel,

Messrs—

Douglas,
Farrah,
Fiske,
Graber,
Haight,
Hall,
Kearney,
Lamb,

Messrs—

Larson,
Lutz,
McKendry,
Noltmier,
Osgood,
Triplett,
Walton.

Those who voted in the negative were:

Messrs—

Bjornson,
Christianson,
Davis,
Dennett,
Erickson,
Fay,
Foss,

Messrs—

Hodgson,
Holritz,
Horgan,
Loomis,
Loring,
McCulloch,
Oliver,

Messrs—

Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
White.

Messrs—
Gill,
Hanson,
Hill,

Messrs—
Peabody,
Peterson,

Messrs—
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—
Brooke,
Burton,
Cope,
Ebbighausen,

Messrs—
Havrevold,
Holte,
Richie,
Satterlund.

Messrs—
Ward,
Watson,
Williams.

Messrs. Holte and Watson being excused.

And so the motion to adjourn was lost.

The question then recurring upon the motion to defer action until next Wednesday,

The motion prevailed, and

Mr. Dennett moved

That the rules be suspended, and that Senate Bill No. 178 be now read the first and second times.

Mr. Daily moved

That the House do now adjourn.

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1891.

The House assembled at 10:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Beardaley.

The committee to examine and correct the Journal of the fifty-fourth day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fifty-fourth day report that they have examined the same and find it to be correct.

E. T. KEARNEY,
Chairman.

Mr. Dennett moved

That the rules be suspended and that Senate Bill No. 178 be read the first and second times and referred to its appropriate committee.

Mr. Skinner moved as a substitute

That when the House adjourns this afternoon it to be take a recess until 7:30 o'clock this evening for the purpose of reading Senate Bill No. 178,

Which motion was lost, and

The question being upon the motion of Mr. Dennett,

The motion prevailed, and

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Was read the first and second times.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
 March 2, 1891. }

To the Speaker of the House of Representatives:

I have been informed by the Superintendent of the Hospital for Insane at Jamestown that the artesian well upon which said institution has depended for its water supply has ceased to flow, and that water for the hospital is now being obtained from other sources.

Considering that the best interests of the State demand the proper maintenance of this institution in every detail; also the fact that about 1,000 barrels of water are required for its use every twenty-four hours, I, therefore, deem it important that your honorable body take such action with a view to perfecting the water supply for this institution as in your judgment may seem proper.

Very respectfully,
 ANDREW H. BURKE,
 Governor.

EXECUTIVE OFFICE, }
 March 2, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have approved
 House Bill No. 67,

An Act to provide for the publication of future amendments to the Constitution and fixing the rate of compensation therefor.

Very respectfully,
 ANDREW H. BURKE,
 Governor.

Mr. Lutz asked unanimous consent to introduce a bill containing an appropriation,

Which consent was given.

Mr. Dennett moved

That Senate Bill No. 178 be made a special order for Wednesday, at 3:30 o'clock p. m., and that it be placed upon its third reading and final passage at that time.

Mr. Oliver moved

To amend by making the bill a special order for Thursday,
 Which amendment was accepted, and
 The question recurring upon the original motion as amended,
 The original motion prevailed.

Mr. Lutz moved

That the rules be suspended, and that Senate Bills No. 157 and 173 be now read the first and second times.

Which motion was lost.

PETITIONS COMMUNICATIONS ETC.

Mr. Gill presented the following communication:

To the House of Representatives:

We, the undersigned citizens of Amenia, N. D., do hereby petition our honorable Legislators that,

WHEREAS, There is an attempt being made in the present Legislature to repeal the effective portion of the present prohibition law, that no such change be made,

J. D. BROWN,
and 14 others.

Mr. Yegen presented the following petition:

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned citizens of North Dakota, and tax payers of Kidder county, respectfully but earnestly protest against the repeal of all or any part of Chapter 23, Session Laws of 1890, known as the State Banking Law

HUGH NEILL,
and 13 others.

Mr. Burton presented the following remonstrance:

GRAND FORKS, N. D., March 1, 1891.

To Hon. C. A. Burton, House of Representatives:

A mass meeting in the Methodist church this afternoon adopted the following resolutions:

We, the citizens of Grand Forks in mass convention assembled, do resolve that we most solemnly protest against any attempt to weaken our prohibition law by repealing the imprisonment clause or any part thereof, as we deem prohibition statutes with only fines attached would breed saloons all over the State.

Acknowledge receipt by wire.

H. A. FOSS,
Secretary.

R. B. GRIFFITH,
Chairman.

Mr. Tufts presented the following remonstrance:

CASSELTON, N. D., Feb. 28, 1891.

At a public meeting of citizens, held in the city of Casselton, on the evening of February 28, 1891, the following resolutions were unanimously adopted:

WHEREAS, There has been introduced into our Legislative Assembly a bill for an act to repeal the prohibition law of our State, the effect of which, if passed, will be to thwart the will of our people, expressed in adopting the State Constitution; and

WHEREAS, The republican party of our State, in convention assembled, pledged that said law should have a fair trial, and that the home should be protected from the evils of the saloon; it is

Resolved, That we respectfully, but urgently, call upon each and every member of said Legislative Assembly, and particularly the Republican members thereof, to use all honorable means to prevent the repeal of said law, or the passage of any amendment thereto which will in any manner impair its effectiveness; and

Resolved, That these resolutions be immediately signed in duplicate and forwarded to Hon. N. B. Pinkham, our State Senator, and to our honorable members of the House, Messrs. Holte, Tufts and Peterson.

R. M. POLLOCK,
Secretary.

FRANK LYNCH,
Chairman.

Mr. Larson presented the following petition:

To the Hons. W. N. Triplett, J. W. Cope and F. Larson, Members of the Legislative Assembly, Bismarck, N. D.:

The undersigned business men of the city of Wahpeton, and officials of the county of Richland, respectfully request the above members mentioned of the Legislative Assembly to give all honorable assistance to House Bill No. 235, introduced by Mr. Osgood, known as the act to repeal the imprisonment penalty of the prohibition law.

W. L. ECKER,
and 48 others.

Mr. Strom presented the following petition:

To the Honorable Senator and Representatives of Traill county, North Dakota:

We, the undersigned citizens of Cummings, Traill county do petition you to use every means in your power to prevent the repeal of the prohibition laws. Thanking you for the stand you have taken on the prohibition question thus far, we believe you will stand firmly by the right.

C. T. FORTHUN,
and 29 others.

Mr. Christianson presented the following petition:

To the Honorable, the House of Representatives of the State of North Dakota:

We, the undersigned citizens of Barnes county, North Dakota, respectfully protest against the enactment of any law repealing, modifying or amending the penalties provided by the prohibition law enacted by our last legislature.

P. J. PETERSON,
and 149 others.

Mr. Fisk presented the following communication:

DAWSON, N. D., March 1, 1891.

To Hons. J. H. Worst, Charles Fiske and George H. Fay:

At a meeting, well attended, at Tappen to-day, the following resolution was unanimously adopted, with the direction that it be forwarded at once to the Senator and Representatives from the Twenty-sixth district:

Resolved, That we indignantly protest against the repeal of the effective portions of our prohibition law, and that we earnestly ask our Senator and Representatives to do all in their power against its repeal.

The same was also adopted at Dawson at a similar meeting. The feeling was strong and earnest against the repeal of the present law.

In behalf of the citizens of Dawson, Tappen and vicinity.

E. H. STICKNEY,
Supt. North Dakota Sunday School Association.
T. W. THURSTON,
Pastor Congregational Church, Dawson and Tappen.

Mr. Oliver moved

That all petitions be printed in the Journal without being read.
Which motion prevailed.

Mr. Yegen presented the following remonstrance:

To the President of the Senate and Speaker of the House of Representatives.

We, the undersigned citizens of North Dakota and tax payers of Stutsman county, respectfully but earnestly protest against the repeal of all or any part of Chapter 23, Session Laws of 1890, known as the State Banking Law

S. G. MILLER,
and 8 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
Senate Bill No. 55,

A bill for an act entitled an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Have had the same under consideration and return the same to the House without recommendation.

O. S. WALLEN,
Chairman.

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 provide for the discharge of chattel mortgages,

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

GEO. H. FAY,
Chairman.

Mr. Oliver moved
To adopt the report,
Which motion prevailed.

Mr. Oliver gave notice that at the afternoon session he would make a report from the Committee on Banking.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 245,

A bill for an act authorizing commissioners of the United States circuit court to administer oaths,

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

Also,
House Bill No. 233,

A bill for an act to repeal Section 4, and to amend Sections 6 and 7, Chapter 184 of the Laws of 1890, being an act defining usury and the penalty for taking the same,

And report the same back without recommendation.

Also,
Substitute for House Bill No. 229,
A bill for an act to amend paragraph 5 of Article 7, Chapter 9,

Political Code, Compiled Laws of 1887, relating to specific powers of the board of county commissioners,

And recommend that title to bill be amended to read as follows:

A bill for an act to amend subdivision 5 of Section 29 of Chapter 21, Political Code, being Section 593 of the Compiled Laws of 1887, relating to counties and county officers.

And that Section 1 of said bill be amended to read as follows:

SECTION 1. That subdivision 5 of Section 29 of Chapter 21, Political Code, being Section 593, Compiled Laws of 1887, be amended to read as follows.

And when so amended to be reported back to the House without recommendation.

GEO. H. FAY,
Chairman.

The Joint Committee on Revenue and Taxation made the following report:

MR. SPEAKER:

Your Joint Committee on Revenue and Taxation to whom was referred

House Bill No. 232,

A bill for an act to amend Sections 49 and 53 of Chapter 132, Laws of 1890,

Have had the same under consideration and report the same back without recommendation.

FRANK WHITE,
Chairman.

The Joint Committee on Education made the following report:

MR. SPEAKER:

Your Joint Committee on Education to whom was referred

House Bill No. 83,

A bill for an act to provide free and uniform system of text books,

Have had the same under consideration and report the same back without recommendation.

Also,

House Bill No. 139,

A bill for an act to regulate the compensation of school officers,

And report the same back without recommendation.

Also,

House Bill No. 84,

A bill for an act to establish county uniformity of school text books,

And report the same back without recommendation.

Also,

House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Session Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,

And recommend that the same be amended as follows:

That the words "giving due notice of and conducting," in line 8 of the printed bill, be stricken out, and insert in lieu thereof the words "and shall give due notice thereof and shall conduct,"

And when so amended recommend that the same do pass.

FRANK WHITE,
Chairman.

The Committee on Temperance made the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
House Bill No. 206,

A bill for an act to repeal Section 2 of an act of the Legislative Assembly of the State of North Dakota, entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes," approved December 19, 1889,

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

L. C. HILL,
Chairman.

Mr. Richie moved

To adopt the majority report,

Which motion prevailed, and

The majority report was adopted.

The committee on Temperance made the following majority and minority reports:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
House Bill No. 207,

A bill for an act to amend Section 3 of an act of the Legislative Assembly of the State of North Dakota, approved December 19, 1889, and being Chapter 110 of the published laws of the State of North Dakota entitled "An act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

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

L. C. HILL,
Chairman.

MR. SPEAKER:

A minority of the Temperance Committee to whom was referred

House Bill No. 207, amending Chapter 110 of the Laws of the First Legislative Assembly of North Dakota, beg leave to recommend that said bill do pass.

M. F. WILLIAMS,
Minority.

Mr. Brooke moved
To adopt the minority report.

Mr. Richie moved as a substitute
To adopt the majority report,
Which motion was lost.

Mr. Lutz moved
To make House Bill No. 207 a special order for 3 o'clock this afternoon.

Mr. Richie moved as a substitute
That the further consideration of the bill be indefinitely postponed.

Mr. Burke moved
To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 30, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Loomis,
Brooke,	Farrar,	Lutz,
Brown,	Graber,	McKendry,
Burke,	Haight,	Osgood,
Colosky,	Hall,	Satterlund,
Cope,	Havrevold,	Triplett,
Cunningham,	Holritz,	Walton,
Daily,	Horgan,	White,
Daniel,	Kearney,	Williams,
Ebbighausen,	Larson,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Douglas,	Noltmier,	Wallen,
Fiske,	Oliver,	Ward,
Foss,	Peabody,	Watson,
Gill,	Peterson,	Mr. Speaker.
Hanson,	Richie,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Fay,	Lamb.

And so the motion to lay upon the table prevailed.

The question then recurring on the original motion,
The motion was withdrawn.

MOTIONS AND RESOLUTIONS.

Mr. Lutz moved

That House Bill No. 207 be made a special order for this afternoon at 3 o'clock.

Which motion was lost.

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

Resolved, That hereafter not more than three bills can be included in one motion to take out of regular order and put on final passage, and that no member can name more than one bill in such motion.

Mr. Oliver moved

To lay the resolution upon the table,

Which motion prevailed, and

The resolution was laid upon the table.

Mr. Lutz moved

That House Bill No. 207 be made a special order for tomorrow at 3 o'clock p. m.,

Which motion prevailed.

The bill was made a special order.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Lutz, by unanimous consent, introduced—

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown.

Which was read the first time, and

Mr. Richie moved

That the bill be read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 250 was read the second time and referred to the Committee on Appropriations.

Mr. Speaker called Mr. Oliver to the chair.

Mr. McKendry introduced—

House Bill No. 251,

A bill for an act to regulate agriculture and to provide for the encouragement and fostering of a new industry in the State of North Dakota.

Which was read the first time, and

Mr. Brown moved

That the bill be read the second time and referred,

Which motion prevailed, and

House Bill No. 251 was read the second time, and referred to the Committee on Woman Suffrage.

Mr. Daniel introduced—

House Bill No. 252,

A bill for an act providing for the appointment of notaries public, and providing a penalty for violating the provisions thereof.

Mr. Gill moved

That the first reading of the bill be deferred until it shall be printed.

Mr. Hill moved

That the House do now take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

House reassembled at 2 o'clock p. m.

Substitute for House Bill No. 192,

A bill for an act to provide for the licensing of dogs and indemnifying the owners of sheep and other stock in case of damage by dogs and creating a fund to pay for the same by a dog license,

Was read the first and second times.

Substitute for House Bill No. 190,

A bill for an act compelling county physicians of each county to attend and render medical assistance to all persons in their respective counties who are unable to employ a physician, and who may need such medical attendance,

Was read the first and second times.

Substitute for House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota,"

Was read the first and second times.

Substitute for House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells and to provide for locating the same,

Was read the first and second times.

House Bill No. 247,

A bill for an act to reapportion this State into senatorial districts, and fix the number of Senators and Representatives in the Legislative Assembly of the State of North Dakota,

Was read the first time, and

Mr. Cope moved

The further consideration of the bill be indefinitely postponed.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 132,

A bill for an act fixing the salaries of county auditors and register of deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887,

Was read the third time, and

Mr. Lamb moved

To amend Section 3 to read as follows:

SEC. 3. The register of deeds shall be entitled to receive a salary not to exceed \$800 in counties where the assessed valuation does not exceed \$1,000,000 nor more than \$1,000 in counties where the assessed valuation does not exceed \$1,500,000, nor more than \$1,200 in counties where the assessed valuation does not exceed \$2,000,000, nor more than \$1,400 in counties where the assessed valuation does not exceed \$2,500,000, nor more than \$1,600 in counties where the assessed valuation does not exceed \$3,000,000; *Provided*, That no register of deeds shall receive for his personal services an amount to exceed \$2,000 in any one year, as provided in this act, to be paid monthly from the special salary fund on the warrant of the county auditor; *Provided*, That the said officer may retain for his own use and account all fees for making and certifying to abstracts.

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 40, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	McKendry,
Brooke,	Haight,	Noltmier,
Burke,	Hall,	Peabody,
Colosky,	Havrevold,	Richie,
Cope,	Hodgson,	Skinner,
Cunningham,	Holte,	Smith,
Daily,	Holritz,	Strom,
Davis,	Horgan,	Thompson,
Dennett,	Lamb,	Walton,
Douglas,	Larson,	Ward,
Ebbighausen,	Loring,	Watson,
Farrah,	Lutz,	Yegen,
Fiske,	McCulloch,	Mr. Speaker.
Foss,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fay,	Oliver,	Satterlund,
Hanson,	Osgood,	Tufts.
Hill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Daniel,	Peterson,
Bjornson,	Erickson,	Triplett,
Brown,	Graber,	Wallen,
Burton,	Kearney,	White,
Christianson,	Loomis,	Williams.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 2, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the
General Laws of 1890, entitled "An act relating to the shipment
of live stock and grain."

Also,
Senate Bill No. 109,

A bill for an act to amend Section 1, Chapter 82 of the
General Laws of 1887.

Also,
Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county
courts to make an alphabetical index to court records.

Also,
Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws
of the first session of the Legislative Assembly of the State of
North Dakota, entitled "An act to fix the compensation of the
judges of county courts."

Also,
Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the
President pro tempore of the Senate,"

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

Also,
House Bill No. 94,

A bill for an act attaching certain Townships to the County of
Ramsey.

Also,
House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of
North Dakota in the county of Pembina and providing for an
election of the electors of said county to determine the place in
said county in which said institution shall be placed.

Also,
House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to
procure seed for needy farmers resident therein.

C. C. BOWSFIELD,
Secretary.

House Bill No. 168,

A bill for an act providing for holding farmers institutes.

Was read the third time, and

Mr. Skinner moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 71,

A bill for an act to amend Sections 1 and 3 of Chapter 166 of the General Laws of 1890, pertaining to the care of the State Library,

Was read the third time, and

Mr. Peabody moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 35, nays 19.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Christianson,
Cope,
Daily,
Daniel,
Ebbighausen,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Havrevold,
Hill,
Holritz,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McKendry,
Noltimier,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Skinner,
Thompson,
Watson,
White,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Davis,
Dennett,
Douglas,
Foss,
Haight,
Hanson,

Messrs—

Hodgson,
Holte,
Horgan,
Kearney,
Satterlund,
Smith,

Messrs—

Strom,
Tufts,
Wallen,
Walton,
Ward,
Yegen.

Absent and not voting:

Messrs—

Beardsley,
Brooke,
Colosky,

Messrs—

Cunningham,
Erickson,
Hall,

Messrs—

McCulloch,
Triplett.

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

Mr. Oliver moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 178,

A bill for an act to protect the cheese industry in North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 45, nays 6.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Fay.

Messrs—

Fiske,
Gill,
Graber,
Haight,
Hall,
Havrevold,
Hill,
Hodgson,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
Lutz,

Messrs—

McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Tufts,
Walton,
Ward,
Watson,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Farrah,
Hanson,

Messrs—

Larson,
Richie,

Messrs—

White,
Yegen.

Absent and not voting:

Messrs—

Axvig,
Beardsley,
Brooke,
Erickson,

Messrs—

Foss,
Holte,
Strom,
Thompson,

Messrs—

Triplett,
Wallen,
Williams.

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

House Bill No. 194,

A bill for an act to amend Section 5136 of Chapter 13 of the Compiled Laws of the State of North Dakota,

Was read the third time, and

Mr. Oliver moved

To adopt the report of the committee thereon,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
March 2, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have approved
House Bill No. 183,

An act to increase the revenue of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivision of the counties of Wallethe and Howard, Dakota Territory," approved March 9, 1883.

Very respectfully,

ANDREW H. BURKE,
Governor.

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

Was placed upon its final passage, and

Mr. Lutz moved

To amend the bill as follows:

Insert after the word "counties," in Section 1 of the bill the following words:

"Upon presentation of a petition signed by one-third of the legal voters of the county, taking the total vote of the last general election as a basis,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill,

The roll being called there were ayes 45, nays 11.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brown,
Burke,
Burton,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fay,

Messrs—

Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Holritz,
Horgan,
Lamb,
Loomis,
Lutz,
McCulloch,
McKendry,
Noltimier,

Messrs—

Oliver,
Osgood,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Watson,
White,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Holte,	Peterson,
Christianson,	Kearney,	Ward,
Fiske,	Larson,	Yegen.
Hill,	Loring,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Peabody,
Brooke,	Hodgson,	Triplett.

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

The Committee on Banks and Banking made the following report:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred House Bill No. 59,

A bill for an act to authorize the county commissioners of the several counties in the State of North Dakota to designate depositories for the funds of their respective counties, and for other purposes relative thereto.

Also,

House Bill No. 66,

A bill for an act prescribing the duties of county treasurers and to provide for the care and safe keeping of public funds.

Also,

House Bill No. 236,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

And report the same back without recommendation.

H. S. OLIVER,
Chairman.

Mr. Erickson was excused for the rest of the session.

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

Was read the third time, and

Mr. Strom moved

To adopt the report of the Committee on Education thereon,

Which motion prevailed, and

The bill was amended as recommended.

Mr. McKendry moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 42, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Gill,	Noltmier,
Brown,	Grabner,	Osgood,
Burke,	Haight,	Peabody,
Burton,	Hanson,	Peterson,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Cope,	Hodgson,	Strom,
Cunningham,	Holte,	Thompson,
Daily,	Horgan,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Ward,
Ebbighausen,	Loomis,	White,
Fay,	Loring,	Yegen,
Fiske,	Lutz,	Mr. Speaker.

Those who voted in the negative were:

Messrs —	Messrs—	Messrs—
Farrar,	Kearney,	Walton.
Hall,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Richie,
Beardsley,	Foss,	Satterlund,
Brooke,	Holritz,	Triplett,
Dennett,	McCulloch,	Watson,
Douglas,	Oliver,	Williams.

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain.

Also,

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State, and providing the penalty for refusal of information regarding the same.

Also,

House Bill No. 202,

A bill for an act entitled "An Act to amend Section 67 of Chapter 122 of the General Laws of 1890."

Also,

House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor.
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
BISMARCK, March 2, 1891.

To the Hon. Speaker and House of Representatives:

GENTLEMEN: By resolution you desire my opinion as to the constitutionality of the bill for codifying the school laws of the State.

In my opinion the title of said act embraces more than one subject, hence is in conflict with the Constitution,

Respectfully yours,
C. A. M. SPENCER,
Attorney General.

House Bill No. 131,

A bill for an act fixing the maximum rate to be charged by railroad companies for the transportation of passengers within this State,

Was read the third time, and

Mr. Strom moved

To adopt the following amendment proposed by the Committee on Railroads:

Strike out the words and figures "three (3) cents per mile," and insert the words and figures "two and one-half (2½) cents per mile" in Section 1 of said bill.

Mr. Oliver moved

To lay the amendment upon the table,
Which motion prevailed.

The question being upon the passage of the bill,
The roll being called there were ayes 19, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burton,	Hanson,	Richie,
Christianson,	Hill,	Skinner,
Cope,	Hodgson,	Strom,
Dennett,	Larson,	Thompson,
Farah,	McCulloch,	Ward,
Fiske,	Noltmier,	White.
Foss.		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Havrevold,	Peabody,
Bjornson,	Holte,	Peterson,
Brown,	Horgan,	Satterlund,
Burke,	Kearney,	Smith,
Colosky,	Loomis,	Tufts,

Messrs—

Davis,
Douglas,
Ebbighausen,
Fay,
Gill,
Haight,

Messrs—

Loring,
Lutz,
McKendry,
Oliver,
Osgood,

Messrs—

Wallen,
Walton,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Brooke,
Cunningham,
Daily,

Messrs—

Daniel,
Erickson,
Graber,
Hall,

Messrs—

Holritz,
Lamb,
Triplett,
Watson.

Mr. Erickson being excused.

So the bill was lost.

Mr. Oliver gave notice that on to-morrow he would move to reconsider the vote by which House Bill No. 231 was lost.

Mr. Burton moved

That the vote by which House Bill No. 105 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No 201,

A bill for an act to encourage the sugar beet culture in the State of North Dakota, and providing an appropriation for experimenting on the manufacture of sugar from the same,

Was read the third time, and

Mr. Skinner moved

To amend the bill as follows:

In line 5 of Section 1, strike out the figures "\$20,000" and insert the figures "\$5,000,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 26, nays 30.

Those who voted in the affirmative were:

Messrs—

Brown,
Davis,
Dennett,
Fay,
Fiske,
Gill,
Haight,
Hall,
Hill,

Messrs—

Holritz,
Loomis,
Loring,
Lutz,
McKendry,
Noltimier,
Oliver,
Osgood,
Peabody,

Messrs—

Richie,
Satterlund,
Skinner,
Thompson,
Tufts,
Walton,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Lamb,
Bjornson,	Farrah,	Larson,
Burke,	Foss,	McCulloch,
Burton,	Graber,	Peterson,
Christianson,	Hanson,	Smith,
Colosky,	Havrevold,	Strom,
Cope,	Hodgson,	Wallen,
Cunningham,	Holte,	Ward,
Daily,	Horgan,	Watson,
Douglas,	Kearney,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Daniel,	Triplett,
Brooke,	Erickson,	Williams.

Mr. Erickson being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

House Bill No. 228.

A bill for an act to provide for changing the boundaries of incorporated cities, towns and villages,

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

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Brown,	Graber,	Osgood,
Burke,	Haight,	Peabody,
Colosky,	Hall,	Satterlund,
Cunningham,	Hanson,	Skinner,
Daily,	Hill,	Smith,
Daniel,	Hodgson,	Strom,
Davis,	Holritz,	Thompson,
Dennett,	Horgan,	Walton,
Douglas,	Kearney,	Ward,
Ebbighausen,	Lamb,	Watson,
Farrah,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Fiske,	McKendry,	Mr. Speaker.
Foss,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Richie,	Wallen.
Peterson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Loring,
Bjornson,	Havrevold,	Noltimier,
Brooke,	Holte,	Triplett,
Burton,	Larson,	Tufts,
Cope,	Loomis,	White.

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed.

Also,

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements.

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Speaker called Mr. Tufts to the Chair.

House Bill No. 127,

A bill for an act for the supervision of banks other than State or national banks doing business in the State of North Dakota,

Was read the third time, and

Mr. Fay moved

To amend the bill as follows:

Amend line 3, Section 1, by inserting after the word "deposits" the following: "shall have a capital of not less than \$5,000 in cash."

Line 9, Section 2, after the words "power to" insert the following: "examine and."

Line 4, Section 3, after the word "prescribed" insert the following: "or refuse to permit the public examiner to examine such bank."

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 32, nays 23.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Burke,
Daily,
Daniel,
Davis,
Douglas,
Ebbighausen,
Fay,
Fiske,
Graber,
Haight,

Messrs—

Hall,
Hanson,
Havrevold,
Horgan,
Kearney,
Lamb,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Osgood,
Peabody,
Satterlund,
Skinner,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Watson.

Those who voted in the negative were:

Messrs—

Axvig,
Burton,
Christianson,

Messrs—

Foss,
Gill,
Hill,

Messrs—

Peterson,
Richie,
Smith,

Messrs—
Colosky,
Cope,
Cunningham,
Dennett,
Farrah,

Messrs—
Hodgson,
Holritz,
Larson,
Noltimier,
Oliver,

Messrs—
Ward,
White,
Williams,
Yegen.

Absent and not voting:

Messrs—
Beardsley,
Brooke,
Brown,

Messrs—
Erickson,
Holte,

Messrs—
Triplett,
Mr. Speaker.

Mr. Erickson being excused.

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

House Bill No. 159,

A bill for an act to amend Section 30, Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto,

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

The question being upon the passage of the bill,

The roll being called there were ayes 19, nays 29.

Those who voted in the affirmative were:

Messrs—
Cope,
Davis,
Dennett,
Gill,
Hanson,
Hill,
Hodgson,

Messrs—
Holte,
Holritz,
Larson,
Loring,
Peabody,
Peterson,

Messrs—
Richie,
Skinner,
Smith,
Strom,
Tufts,
Watson.

Those who voted in the negative were:

Messrs—
Axvig,
Bjornson,
Burke,
Christianson,
Cunningham,
Daily,
Daniel,
Douglas,
Ebbighausen,
Farrah,

Messrs—
Fay,
Fiske,
Graber,
Haight,
Hall,
Havrevold,
Horgan,
Kearney,
Lamb,
Lutz,

Messrs—
McCulloch,
McKendry,
Noltimier,
Osgood,
Satterlund,
Walton,
Ward,
Williams,
Yegen.

Absent and not voting:

Messrs—
Beardsley,
Brooke,
Brown,
Burton,
Colosky,

Messrs—
Erickson,
Foss,
Loomis,
Oliver,
Thompson,

Messrs—
Triplett,
Wallen,
White,
Mr. Speaker.

Mr. Erickson being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Mr. Fay moved

That the vote by which House Bill No. 127 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Burke moved

That the vote by which Substitute for House Bill No. 132 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Oliver moved

That all bills that pass be referred to the Engrossing Committee and when engrossed that they be at once transmitted to the Senate,

Which motion prevailed.

House Bill No. 215,

A bill for an act providing for an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarek, North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 41, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Haight,	Oliver,
Colosky,	Hall,	Osgood,
Cope,	Havrevold,	Peabody,
Daily,	Hill,	Satterlund,
Daniel,	Holritz,	Skinner,
Davis,	Horgan,	Smith,
Dennett,	Kearney,	Thompson,
Douglas,	Lamb,	Tufts,
Ebbighausen,	Larson,	Walton,
Farrar,	Loomis,	Ward,
Fay,	Loring,	Watson,
Fiske,	Lutz,	Williams,
Gill,	McCulloch,	Yegen.
Graber,	McKendry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Foss,	Peterson,
Cunningham,	Noltmier,	Wallen.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Burton,	Richie,
Beardsley,	Erickson,	Strom,
Bjornson,	Hanson,	Triplett,
Brooke,	Hodgson,	White,
Brown,	Holte,	Mr. Speaker.

Mr. Erickson being excused.

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

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

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

The question being upon the passage of the bill.

The roll being called there were ayes 36, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Noltimer,
Brown,	Hanson,	Osgood,
Burton,	Havrevold,	Peabody,
Christianson,	Hill,	Peterson,
Colosky,	Hodgson,	Skinner,
Cope,	Holte,	Smith,
Cunningham,	Kearney,	Strom,
Davis,	Lamb,	Thompson,
Dennett,	Larson,	Tufts,
Fiske,	Loomis,	Ward,
Foss,	Loring,	Watson,
Gill,	McCulloch,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Holritz,	Richie,
Daily,	McKendry,	Yegen,
Fay,	Oliver,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Satterlund,
Bjornson,	Farrah,	Triplett,
Brooke,	Haight,	Wallen,
Daniel,	Hall,	Walton,
Douglas,	Horgan,	Williams.
Ebbighausen,	Lutz,	

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State, and providing the penalty for refusal of information regarding the same,

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

The question being upon the passage of the bill,

The roll being called there were ayes 36, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Haight,	Osgood,
Burke,	Hall,	Peabody,
Burton,	Hanson,	Richie,
Christianson,	Havrevold,	Satterlund,

Messrs—
Colosky,
Cope,
Dennett,
Douglas,
Ebbighausen,
Fay,
Gill,
Graber,

Messrs—
Hill,
Hodgson,
Holte,
Holritz,
Larson,
Loomis,
Loring,
McCulloch,

Messrs—
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Ward,
White,
Yegen.

Those who voted in the negative were.

Messrs—
Daily,
Farrah,
Fiske,

Messrs—
Horgan,
Lamb,
Peterson,

Messrs—
Wallen,
Mr. Speaker.

Absent and not voting:

Messrs—
Axvig,
Beardsley,
Brooke,
Brown,
Cunningham,
Daniel,

Messrs—
Davis,
Erickson,
Foss,
Kearney,
Lutz,
McKendry,

Messrs—
Noltimier,
Oliver,
Triplett,
Walton,
Watson,
Williams.

Mr. Erickson being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 2, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of
the State of North Dakota.

Also,

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws
of 1891, entitled "A bill for an act regulating appeals from the
district courts to the Supreme Court, and to repeal Chapters 3
and 16 of the Code of Civil Procedure, Dakota Territory, as pub-
lished in Levissee's Code, and Chapters 20 and 26 of the Session
Laws of Dakota Territory of the year 1887; also, Sections 5213 to
5239, both inclusive, of the Compiled Laws of Dakota Territory
of the year 1887,

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

C. C. BOWSFIELD,
Secretary.

Mr. McCulloch moved
That House Bill No. 236 be now placed upon its third reading
and final passage,

Which motion was lost.

House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,
The roll being called there were ayes 48, nays 3.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Axvig,	Foss,	McKendry,
Bjornson,	Gill,	Oliver,
Brown,	Graber,	Osgood,
Burke,	Haight,	Peabody,
Burton,	Hall,	Peterson,
Colosky,	Havrevold,	Richie,
Cope,	Hill,	Satterlund
Cunningham,	Hodgson,	Skinner,
Daily,	Holte,	Smith,
Daniel,	Holritz,	Thompson,
Dennett,	Horgau,	Tufts,
Douglas,	Kearney,	Wallen,
Ebbighausen,	Lamb,	Ward,
Farral,	Larson,	Watson,
Fay,	Loomis,	Yegen,
Fiske,	Loring,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Hanson,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Lutz,	Triplett,
Brooke,	McCulloch,	Walton,
Davis,	Noltimier,	Williams.
Erickson,	Strom,	

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

House Bill No. 56,

A bill for an act to repeal an act entitled "An Act to repeal an
act entitled 'An Act to provide for the licensing of public ware-
houses,'" Chapter 138, Session Laws of 1890,

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

The question being upon the passage of the bill,

The roll being called there were ayes 48, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Oliver,
Bjornson,	Gill,	Osgood,
Brown,	Graber,	Peabody,
Burke,	Haight,	Peterson,
Burton,	Hall,	Richie,
Colosky,	Hanson,	Satterlund,
Cope,	Havrevold,	Skinner,
Cunningham,	Hill,	Smith,
Daily,	Holte,	Strom,

Messrs—	Messrs—	Messrs—
Daniel,	Horgan,	Thompson,
Davis,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Loomis,	Walton,
Ebbighausen,	Loring,	Watson,
Farrah,	McKendry,	Yegen,
Fay,	Noltimier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Holritz,	Larson.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Lutz,	Ward,
Brooke,	McCulloch,	White,
Erickson,	Triplett,	Williams.
Hodgson,		

Mr. Erickson being excused.

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

House Bill No. 110,

A bill for an act to repeal Chapter 187 of the Session Laws of the First Legislative Assembly of the State of North Dakota, regulating the buying, selling and handling of grain of all kinds,

Was read the third time, and

Mr. Lutz moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Speaker called Mr. Gill to the Chair.

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Was read the third time, and

Mr. Wallen moved

To amend the bill as follows: "In line 4, Section 5, strike out the words 'three-fourths' and insert the words 'five-sixths,'"

Which motion prevailed, and

The bill was so amended.

Mr. Lutz moved

To further amend as follows: "Before the words 'five-sixths' insert the words 'at least,'"

Which motion prevailed, and

The bill was so amended.

Mr. White moved

That further consideration of the bill be indefinitely postponed.

Mr. Lutz moved

To lay the motion upon the table,
Which motion prevailed.

The question being upon the passage of the bill.

The roll being called there were ayes 33, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Oliver,
Bjornson,	Havrevold,	Peabody,
Burke,	Hill,	Skinner,
Colosky,	Hodgson,	Strom,
Cope,	Holritz,	Thompson,
Douglas,	Larson,	Tufts,
Farrah,	Loring,	Wallen,
Fay,	Lutz,	Walton,
Fiske,	McCulloch,	Ward,
Haight,	McKendry,	Yegen,
Hall,	Noltmier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christanson,	Graber,	Peterson,
Cunningham,	Holte,	Richie,
Daily,	Horgan,	Satterlund,
Daniel,	Kearney,	Smith,
Ebbighausen,	Lamb,	Watson,
Foss,	Osgood,	White.
Gill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Davis,	Loomis,
Brooke,	Dennett,	Triplett,
Brown,	Erickson,	Williams.
Burton,		

Mr. Erickson being excused.

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

Mr. McCulloch moved

That House Bill No. 236, and all bills relating to the same subject be made a special order for to-morrow morning at 10 o'clock a. m.,

Which motion prevailed.

Mr. Cope moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 16, nays 38.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Hall,	Loring,
Cope,	Holritz,	McKendry,
Cunningham,	Horgan,	Osgood,
Daniel,	Kearney,	Satterlund,
Ebbighausen,	Larson,	Walton.
Farrah,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Peabody,
Bjornson,	Haight,	Peterson,
Brown,	Hanson,	Richie,
Burton,	Havrevold,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Daily,	Holte,	Thompson,
Davis,	Lamb,	Wallen,
Dennett,	Loomis,	Ward,
Douglas,	Lutz,	Watson,
Fay,	McCulloch,	White,
Fiske,	Noltmier,	Yegen.
Gill,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Williams,
Brooke,	Triplett,	Mr. Speaker.
Erickson,	Tufts,	

And so the motion to adjourn was lost.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

House Bill No. 225,

A bill for an act to amend Sections 5, 18, 29, 46, 55, 48, 110, 68 and 76 of Chapter 132 of the Laws of 1890, and to repeal Chapter 132 of the Laws of 1890, being "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

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

The question being upon the passage of the bill,

The roll being called there were ayes 44, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Noltimier,
Bjornson,	Havrevold,	Osgood,
Brown,	Hill,	Peabody,
Burke,	Hodgson,	Peterson,
Burton,	Holte,	Richie,
Christianson,	Holritz,	Satterlund,
Colosky,	Horgan,	Skinner,
Cope,	Kearney,	Smith,
Dennett,	Lamb,	Strom,
Farrah,	Larson,	Thompson,
Fay,	Loomis,	Wallen,
Fiske,	Loring,	Walton,
Gill,	Lutz,	Ward,
Graber,	McCulloch,	Yegen.
Haight,	McKendry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Davis,	Ebbighausen,
Daniel,	Douglas,	Hanson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Watson,
Brooke,	Oliver.	White,
Cunningham,	Triplett,	Williams,
Erickson,	Tufts,	Mr. Speaker.

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Farrah moved

That the House do now adjourn.

Mr. Oliver moved

That when the House adjourns it be to take a recess until 7:30 o'clock p. m.

Mr. Lutz moved as an amendment

That the session be for the first and second reading of Senate bills only,

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. Farrah moved

That the House do now adjourn,

Which motion was lost.

Mr. Fiske moved

That the further consideration of House Bill No. 224 be indefinitely postponed.

Mr. Lamb moved

To lay the motion upon the table,

Which motion prevailed, and

House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry and prescribing the duties thereof,

Was read the third time, and

The courtesies of the floor were extended to Mr. W. W. Barrett.

Mr. Havrevold moved

That Mr. Barrett be called upon to explain House Bill No. 224.

Which motion prevailed, and

Mr. Barrett addressed the House.

The question being upon the passage of the bill,

The roll being called there were ayes 36, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Havrevold,	Richie,
Burke,	Hill,	Satterlund,
Burton,	Hodgson,	Smith,
Christianson,	Holritz,	Strom,
Colosky,	Horgan,	Thompson,
Dennett,	Lamb,	Tufts,
Ebbighausen,	Loomis,	Wallen,
Farrah,	Lutz,	Walton,
Fay,	Noltmier,	Watson,
Foss,	Oliver,	White,
Gill,	Osgood,	Yegen,
Hall,	Peabody,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Douglas,	Larson,
Bjornson,	Fiske,	McCulloch,
Cope,	Graber,	Peterson,
Cunningham,	Haight,	Skinner,
Daily,	Hanson,	Ward.
Davis,	Kearney,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	McKendry,
Brooke,	Holte,	Tripplett,
Daniel,	Loring,	Williams.

Mr. Erickson being excused.

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

Mr. Oliver moved

That the Chief Clerk be instructed to return all petitions prepared by Mr. Barrett,

Which motion prevailed.

Mr. Hall moved

That the House do now adjourn,

Which motion was lost.

Mr. Oliver moved

That the House take a recess until 7:30 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 7:30 o'clock p. m.

EVENING SESSION.

House reassembled at 7:30 o'clock p. m.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

Was read the first and second times.

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the first and second times.

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivisions of the counties of Walleette and Howard, Dakota Territory," approved March 9, 1883,

Was read the first time, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 175,

A bill for an an act to prevent trespass and the spread of noxious weeds,

Was read the first and second times.

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Was read the first and second times.

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,

Was read the first and second times.

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the

State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Was read the first and second times.

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts, and provide a fund to reimburse the county for same,"

Was read the first and second times.

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 24 of Chapter 39 of the Political Code of 1877,"

Was read the first and second times.

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,

Was read the first and second times.

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records,

Was read the first and second times.

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections,

Was read the first and second times.

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An Act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Was read the first and second times.

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

Was read the first and second times.

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

Was read the first and second times.

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution,

Was read the first and second times.

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Was read the first and second times.

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and attorney in relation thereto,

Was read the first and second times.

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of destitute persons in North Dakota,

Was read the first and second times.

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Was read the first and second times.

Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof.

Was read the first and second times.

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop.

Was read the first and second times, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Was read the first time, and

Mr. Oliver moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a

misdeemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor,

Was read the first and second times.

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Was read the first and second times.

Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws,

Was read the first and second times.

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection,

Was read the first and second times.

Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection,"

Was read the first and second times.

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws,

Was read the first and second times.

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Was read the first and second times.

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893,

Was read the first and second times.

Senate Bill No. 189.

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883,

Was read the first and second times.

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax,

Was read the first and second times.

Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto,

Was read the first and second times.

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds,"

Was read the first and second times.

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An Act relating to the shipment of live stock and grain,"

Was read the first and second times.

Senate Bill No. 181,

A Concurrent Resolution to amend Section 158 of the Constitution of the State of North Dakota,

Was read the first and second times.

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions,

Was read the first and second times.

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,

Was read the first and second times.

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota,

Was read the first and second times.

Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull.

Was read the first and second times.

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

Was read the first and second times.

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Was read the first and second times.

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts," and to provide a fund to reimburse the county for the same,"

Was read the first and second times.

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An Act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100,"

Was read the first and second times.

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

Was read the first and second times.

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota,

Was read the first and second times.

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers,

Was read the first and second times.

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed,

Was read the first and second times.

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887,

Was read the first and second times.

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock,

Was read the first and second times.

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Was read the first and second times.

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887,

Was read the first and second times.

Senate Bill No. 88,

A bill for an act relating to registering of county warrants and duty of the county treasurer in relation thereto,

Was read the first and second times.

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President Pro tempore of the Senate,

Was read the first and second times.

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices Code, being Section 6153 of the Compiled Laws,

Was read the first and second times.

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

WHEREAS, The time is too limited to refer all the Senate bills to committees; therefore, be it

Resolved, That a committee of five shall be appointed who shall have power to arrange Senate bills in the order of their importance, to be considered by the House in that order,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Gill, Oliver, Richie, Lutz and Burke.

Mr. Richie moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1891.

The House assembled at 10:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Speaker appointed as the committee to examine and correct the Journal of the fifty-sixth day, Messrs. Hodgson, Havrevold and Hill.

REPORTS OF STANDING COMMITTEES.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred

House Bill No. 240,

A bill for an act to promote irrigation,

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

In line 5 of Section 13, after the word "commissioners," insert the word "in."

Further amend, in line 6 of Section 23, strike out, after the word "lands," the words "outside of as well as."

Also, further amended by striking out Sections 24, 25 and 26.

And when so amended recommend that the same do pass.

J. S. RICHIE,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 241,

A bill for an act entitled "An act giving county treasurers the power to deposit county funds in National or other banks,"

Have had the same under consideration and report the same back without recommendation.

FRED DENNETT,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889, relating to mutual insurance companies,

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

O. S. WALLEN,
Chairman.

Mr. Hodgson moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Banks and Banking made the following report:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred
House Bill No. 27,

A bill for an act to repeal Section 27 of Chapter 23, Laws of 1890,

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

H. S. OLIVER,
Chairman.

Mr. Brooke moved
To adopt the report,
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Lutz moved

That House Bill No. 250 be now placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown,

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

The question being upon the passage of the bill,

The roll being called there were ayes 47, nays 8.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Bjornson,	Foss,	Noltimier,
Brooke,	Gill,	Oliver,
Burke,	Haight,	Osgood,
Burton,	Hall,	Peabody,
Christianson,	Havrevold,	Richie,
Colosky,	Hill,	Skinner,
Cope,	Hodgson,	Smith,
Cunningham,	Holritz,	Strom,
Daniel,	Horgan,	Thompson,
Davis,	Kearney,	Walton,
Dennett,	Lamb,	Ward,
Douglas,	Larson,	Watson,
Ebbighausen,	Loomis,	White,
Erickson,	Loring,	Yegen,
Fay,	Lutz,	Mr. Speaker.
Fiske,	McCulloch,	

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Axvig,	Holte,	Tufts,
Beardsley,	Peterson,	Wallen.
Hanson,	Satterlund,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
Brown,	Graber,	Tripplett,
Daily,	McKendry,	Williams.
Farrah,		

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Mr. Lutz moved

That the vote by which House Bill No. 250 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion was withdrawn.

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

Be it resolved by the House of Representatives of the Second Legislative Assembly of the State of North Dakota:

That Andrew Huesby, the fireman at the State Capitol, be placed on the pay roll of the House of Representatives of the State of North Dakota, as extra compensation at \$1 per day from the commencement of the session. This extra compensation is for work rendered during said session.

Mr. Beardsley moved
To lay the resolution upon the table,
Which motion prevailed, and
The resolution was laid upon the table.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 103,

A bill for an act to establish reasonable maximum rates of charges for the transportation of freight and property on the different railroads in this State,

Have had the same under consideration and report the same back without recommendation.

Also,
House Bill No. 188,

A bill for an act to provide for the assessment and taxation of railroads and railroad property in the State of North Dakota, And report the same back without recommendation.

A. N. Foss,
Chairman.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order set for 10:30 o'clock a. m.

Mr. Gill moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 236 and other bills relating to the same subject,

Which motion prevailed, and
Mr. Speaker called Mr. Gill to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 236,

A bill for an act to require the County Treasurers to deposit county funds in designated depositories and providing for interest thereon, and recommend that the bill be amended as follows:

In line 6, of Section 2, strike out the words "not to exceed 6 per cent per annum."

Also, recommend that, in line 9, Section 1, after the word "act," insert the words, "and at their first regular meeting in January in each year thereafter."

And recommend that the further consideration of the bill be indefinitely postponed.

J. C. GILL,
Chairman.

Mr. Oliver moved

To adopt the report of the Committee of the Whole.

Mr. Strom moved as a substitute

That the report of the committee be not adopted,

Which motion was lost, and

The question recurring on the motion to adopt,

Roll call was demanded,

The roll being called there were ayes 30, nays 29.

Those who voted in the affirmative were:

Messrs—

Brooke,
Burke,
Cope,
Cunningham,
Daily,
Daniel,
Ebbighausen,
Erickson,
Farrah,
Fay,

Messrs—

Fiske,
Gill,
Graber,
Haight,
Hall,
Havrevold,
Holritz,
Horgan,
Kearney,
Loomis,

Messrs—

Loring,
Lutz,
Oliver,
Osgood,
Richie,
Skinner,
Smith,
Tufts,
Walton,
Watson.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burton,
Christianson,
Colosky,
Davis,
Dennett,
Douglas,
Foss,

Messrs--

Hanson,
Hill,
Hodgson,
Holte,
Lamb,
Larson,
McCulloch,
McKendry,
Noltimier,
Peabody,

Messrs--

Peterson,
Satterlund,
Strom,
Thompson,
Wallen,
Ward,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brown,

Messrs—

Triplett.

Messrs—

Williams.

So the motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,

House Bill No. 132,

A bill for an act fixing the salaries of county auditors and register of deeds, and for the repeal of Sections 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown, And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Oliver moved

That the further consideration of House Bills No. 59 and 66 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bills were indefinitely postponed.

Mr. Tufts moved

To reconsider the vote by which House Bill No. 202 was passed, Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements,

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

The question being upon the passage of the bill,

The roll being called there were ayes 32, nays 21.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Burke,
Christianson,
Cope,
Davis,
Dennett,
Fay,
Graber,
Haight,
Hall,

Messrs—

Havrevold,
Hill,
Hodgson,
Holte,
Horgan,
Kearney,
Loomis,
Loring,
Oliver,
Peabody,
Peterson,

Messrs—

Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Walton,
Ward,
White.

Those who voted in the negative were:

Messrs—

Beardsley,
Burton,
Colosky,
Cunningham,
Daily,
Douglas,
Ebbighausen,

Messrs—

Ericksen,
Farrah,
Foss,
Gill,
Hanson,
Holritz,
Lamb,

Messrs—

Larson,
McCulloch,
McKendry,
Noltmier,
Watson,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Axvig,
Brown,
Daniel,

Messrs—

Fiske,
Lutz,
Osgood,

Messrs—

Triplett,
Wallen,
Williams.

So the bill passed and the title was agreed to.

Mr. Hill moved

That the House do now take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House roassembled at 2 o'clock p. m.

Mr. Oliver asked unanimous consent to reconsider the votes by which Senate Bills Nos. 113 and 150 were indefinitely postponed,

Which consent was given, and

The votes were reconsidered.

Substitute for House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota,"

Was read the third time, and

The Joint Committee on County Officers' Salaries made the following report:

MR. SPEAKER:

The Joint Committee on County Officers' Salaries to whom was referred

Substitute for House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota,

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

At the close of Section 1 add the following: "For completing dockets and indexes in causes where issue is joined and testimony given, \$2,

And when so amended recommend that the same do pass.

H. S. OLIVER,

J. P. LAMB,

J. S. RICHIE,

On part of the House.

JOHN E. HAGGART,

J. H. WORST,

On part of the Senate.

Mr. Oliver moved

To adopt the report,

Which motion prevailed, and

The bill was so amended.

The courtesies of the floor were extended to Mr. John D. Wallace, Rev. E. H. Stickney and Mr. J. H. Coulter.

Mr. Cope moved

To amend the bill as follows:

For docketing and indexing any case on register of actions for one defendant.....	\$1 00
For each additional defendant	10

Which motion prevailed, and
The bill was so amended.

Mr. Cope moved

To further amend the bill by making the charge for administering oaths 10 cents,

Which motion prevailed, and
The bill was so amended.

Mr. Kearney moved

To further amend the bill by providing that their fee for each day's attendance upon court when in session shall be \$4 per day,

Which motion was lost, and
The amendment was lost.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 51, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Oliver,
Beardsley,	Foss,	Osgood,
Bjornson,	Gill,	Peabody,
Brown,	Graber,	Richie,
Burton,	Haight,	Satterlund,
Christianson,	Hanson,	Skinner,
Colosky,	Havrevold,	Smith,
Cope,	Hill,	Strom,
Cunningham,	Hodgson,	Thompson,
Dail,	Horgan,	Triplett,
Daniel,	Lamb,	Tufts,
Davis,	Larson,	Ward,
Dennett,	Loomis,	Watson,
Douglas,	Loring,	White,
Ebbighausen,	Lutz,	Williams,
Erickson,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Kearney.
Burke,	Holte,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hall,	Noltmier,	Wallen,
Holritz,	Peterson,	Walton.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 3, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 195,
A bill for an act granting the right of suffrage to women,
Which the Senate has passed, and your favorable consideration
thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined
House Bill No. 94,
A bill for an act providing for the attaching of certain town-
ships to Ramsey county.

Also,

House Bill No. 114,

A bill for an act providing for the location of a Blind Asylum
in the county of Pembina, State of North Dakota, at such place
in the county of Pembina as the qualified electors of said county
may determine at an election, to be held as prescribed by the
Legislative Assembly of the State of North Dakota, with a grant
of land as provided in Section 216, Article 19 of the Constitution
of the State of North Dakota.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to
procure seed for needy residents therein,
And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 94,

A bill for an act providing for the attaching of certain town-
ships to Ramsey county.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to
procure seed for needy farmers resident therein.

Also,

House Bill No. 114,

A bill for an act providing for the location of a Blind Asylum

in the county of Pembina, State of North Dakota, at such place in the county of Pembina as the qualified electors of said county may determine, at an election to be held as prescribed by the Legislative Assembly of the State of North Dakota, with a grant of land as provided in Section 216, Article 19 of the Constitution of the State of North Dakota.

The House returned to the first reading of House bills, and House Bill No. 252,

A bill for an act providing for the appointment of notaries public, and providing a penalty for violating the provisions thereof,

Was read the first and second times.

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

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

The question being upon the passage of the bill,
The roll being called there were ayes 37, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Graber,	Satterlund,
Brooke,	Hanson,	Smith,
Burke,	Hill,	Strom,
Burton,	Hodgson,	Thompson,
Christianson,	Holte,	Triplett,
Cope,	Horgan,	Tufts,
Daily,	Loomis,	Wallen,
Davis,	Lutz,	Ward,
Dennett,	Noltmier,	Watson,
Douglas,	Osgood,	White,
Erickson,	Peabody,	Williams,
Fay,	Peterson,	Yegen.
Gill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Farrah,	Loring,
Brown,	Fiske,	Richie,
Colosky,	Kearney,	Walton,
Cunningham,	Lamb,	Mr. Speaker.
Ebbighausen,	Larson,	

Absent and not voting:

Messrs—

Axvig,
Daniel,
Foss,
Haight,

Messrs—

Hall,
Havrevold,
Holritz,
McCulloch,

Messrs—

McKendry,
Oliver,
Skinner.

So the bill passed and the title was agreed to.

The committee to examine and correct the Journal of the fifty-sixth day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fifty-sixth day report that they have examined the same and find it to be correct.

JNO. E. HODGSON,
Chairman.

Mr. Speaker appointed as the committee to examine and correct the Journal of the fifty-third day Messrs. Lamb, Larson and McCulloch.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 207, made a special order for 3 o'clock,

Mr. Gill moved

That the House do now resolve itself into Committee of the Whole for the consideration of special orders.

Mr. Burke moved

To lay the motion upon the table,
Which motion was lost.

The question recurring upon the motion of Mr. Gill,
The motion was lost.

Mr. Haight presented the following remonstrance:

DRAYTON, N. D., March 2, 1891.

We, the undersigned, legal voters of Pembina county, hereby petition your honorable body to strenuously oppose any and all efforts to repeal the present prohibition law, or any part thereof.

R. B. RICHARDSON,
and 58 others.

Also, the following remonstrance:

DRAYTON, N. D., March 2, 1891.

We, the undersigned residents of Pembina county, hereby petition your honorable body to strenuously oppose any and all efforts to repeal the present prohibition law or any part thereof.

M. MAUD WALLACE,
and 57 others.

Mr. Loomis presented the following communication:

Citizens' Protest Against Repealing the Prohibition Law.

FARGO, N. D., February 26, 1891.

At a meeting of representative citizens, held in Fargo, February 26, 1891, it was

Resolved, That whereas there is an attempt being made in the present Legislature to repeal the effective portions of the existing prohibition law, and thereby repudiate the pledges made by the republican party to the people of the State, and in effect nullify one of the provisions of the Constitution of the State; and,

WHEREAS, The repeal of the existing law would leave the State unprotected against the open saloon, and establish a reign of free whisky without regulation or police protection in every village and hamlet; and

WHEREAS, We believe that all law-abiding citizens desire that the will of the people as voiced in their votes should have a fair trial by the enforcement of the existing law, we therefore suggest that mass meetings be held throughout the State, and that resolutions be adopted and that petitions from every representative district be forwarded by the hand of influential men to represent personally the real sentiment of the people of the State.

C. F. AMIDON, Secretary.

CHAS. A. POLLOCK,
JOHN C. BUCKBEE,
NEWTON STANFORD,
G. S. BASCOM,
H. P. COOPER,
D. C. PLANNETTE,

E. ASHLEY MEARS,
Chairman.

O. W. FRANCIS,
H. C. SIMMONS,
D. W. KNIGHT,
S. J. HILL,
V. N. YERGIN,
and others.

☞ Please distribute in pews. Hold meeting at close of service. Secure petitions protesting against repeal of present law. Telegraph at once to your Representatives in the Legislature protests and number of signers.

VOTERS' LIST.

Signed by

J. MAC SMITH,
and 4 others

Also, a similar communication signed by Mrs. Spolts and 10 others.

Mr. Lutz presented the following petition:

JAMESTOWN, N. D., March 1, 1891.

To the Honorable, the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota:

The Congregational Church of Jamestown, North Dakota, and congregation assembled, respectfully petition your honorable body that the penalty clause of the present prohibition law be not repealed, and your petitioners will ever prey,

C. L. JUDD, Chairman.
GEO. C. SMITH, Secretary.
CHAS. HENSEL,
WILLIAM EWING,
Trustees.
J. D. WHITELAW,
Pastor.

Mr. Bjornson presented the following remonstrance:

To the Honorable Members of the Legislature of North Dakota:

We, the undersigned residents and rate payers of Hamilton, Pembina county, N. D., hereby petition your honorable body to defeat all bills introduced this session looking to the repeal of the "imprisonment clause," or in

any way interfering with the prohibition act, so as to make it inoperative or decreasing the penalty.

H. C. KLINGEL,
and 44 others.

Also the following remonstrance:

ST. THOMAS, N. D., February 28, 1891.

WHEREAS, There is an attempt being made in our present Legislature to repeal the effective portions of the existing prohibition law; and in effect to nullify one of the provisions of the State Constitution; and,

WHEREAS, The repeal of the existing law, would leave the State unprotected against the open saloon, and establish a reign of free whisky without regulation or police protection in every city and town.

Resolved, That we, the undersigned citizens of St. Thomas desire to express our unqualified disapproval of any such action; and that copies of this protest be forwarded to the members of the Legislature from this county at present in Bismarck.

WM. McMURCHIE,
and 125 others.

Mr. Christianson presented the following:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned citizens of Barnes county, N. D., respectfully petition your honorable body that, inasmuch as the people of this State have adopted constitutional prohibition as a part of their organic law, and the Legislative Assembly have provided adequate statutory enactments for the enforcement of prohibition of the liquor traffic, the said prohibition law be allowed to remain in force, and that no law providing for the resubmission of this question to the people be enacted; and we request our Representatives to oppose resubmission.

IRA S. LAMPMAN,
and 10 others.

Also the following resolutions:

To Senator Weiser and Representatives White and Christianson:

GENTLEMEN:—The following resolutions were adopted by the Sheyenne Valley Alliance, No. 135:

Resolved, That this Alliance desires to express its hearty approval of the course of Senator Weiser and Representatives White and Christianson on the question of resubmission, and highly commend them for respecting and adhering to the platform on which they were nominated and elected; and be it further

Resolved, That we desire them to use their best efforts to retain the penalties as provided in our prohibition law.

LEWIS NULTIMIER,
Secretary.

WM. OLSON,
President.

Mr. White presented the following petition:

To the Hons. J. S. Weiser and Frank White, Representing the People of the County of Barnes in the Legislature of North Dakota, Second Session:

Do most respectfully petition your honored Sirs to use all possible endeavors and possible means to so amend the present prohibition law so as to strike out the clauses of confiscation of property owned by the people and honest citizens of this State.

Second. That portion relating to imprisonment for a violation of said law, except so far as for failing to pay fines imposed.

M. G. BURKE,
and 382 others.

Mr. Strom moved
That the House take a recess,
Which motion was lost.

Mr. Foss moved
That the House do now resolve itself into Committee of the
Whole for the consideration of House Bill No. 207.

Mr. Burke moved
To lay the motion upon the table.
The roll being called there were ayes 30, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Loomis,
Brown,	Fay,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Watson,
Daniel,	Horgan,	White,
Ebbighausen,	Kearney,	Williams,
Erickson,	Larson,	Yegen.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Bjornson,	Hill,	Richie,
Burton,	Hodgson,	Skinner,
Christianson,	Holte,	Smith,
Davis,	Lamb,	Strom,
Dennett,	Loring,	Thompson,
Douglas,	McCulloch,	Tufts,
Fiske,	Noltimier,	Wallen,
Foss,	Oliver,	Ward,
Gill,	Peabody,	Watson,
Hanson,	Peterson,	Mr. Speaker.

Messrs. Axvig and Beardsley being absent and not voting.

So the motion to lay upon the table was lost.

The question recurring upon the motion of Mr. Foss,
Roll call was demanded,

The roll being called there were ayes 30, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hill,	Richie,
Burton,	Hodgson,	Skinner,
Christianson,	Holte,	Smith,
Davis,	Lamb,	Strom,
Dennett,	Loring,	Thompson,
Douglas,	McCulloch,	Tufts,
Fiske,	Noltimier,	Wallen,
Foss,	Oliver,	Ward,
Gill,	Peabody,	Watson,
Hanson,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Brooke,
Brown,
Burke,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Ebbighausen,
Erickson,

Messrs—

Farrah,
Fay,
Graber,
Haight,
Hall,
Havrevold,
Hoiritz,
Horgan,
Kearney,
Larson.

Messrs—

Loomis,
Lutz,
McKendry,
Osgood,
Satterlund,
Triplett,
Walton,
White,
Williams,
Yegen.

Mr. Beardsley being absent and not voting.

So the motion to go into Committee of the Whole was lost.

Mr. Lutz moved

That House Bill No. 207 be now read the third time.

Mr. Strom moved

That the House do now adjourn,

Which motion was lost, and

The question recurring upon the motion of Mr. Lutz,

The motion prevailed, and

House Bill No. 207,

A bill for an act to amend Section 3 of an act of the Legislative Assembly of the State of North Dakota, approved December 19, 1889, and being Chapter 110 of the published laws of the State of North Dakota entitled "An act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Was read the third time, and

Mr. Loomis moved

To amend the bill as follows:

Strike out the word and figure "Section 3" in the first line of Section 1 of the printed bill and insert the following in lieu thereof: "Sections 1, 3, 4, 5, 10, 12, 16, 24."

Between lines 6 and 7 of Section 1 of printed bill insert the section herewith numbered "1" (one).

After line 27 of said Section 1 add sections herewith numbered "4, 5, 10, 12, 16, 24."

Add as Section 2 to said bill the following:

SEC. 2. That Sections 13 and 26 of said act be and the same are hereby repealed.

That Sections 2 and 3 of said bill be renumbered 3 and 4.

Amend the title of said bill by inserting the figure "1" before the figure "3" in the first line of the title of the printed bill, and insert after the figure "3" the figures "4, 5, 10, 12, 16, 24, and to repeal Sections 13 and 26."

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

SECTION 1. PENALTY FOR MANUFACTURE OR SALE—WHO MAY LAWFULLY SELL.] Any person, association or corporation, who shall, within the State, directly or indirectly, manufacture any spirituous, malt, vinous, fermented or other intoxicating liquor, or shall import any of the same for sale, or gift as a beverage, or shall keep for sale, or sell or offer for sale or gift, barter or trade,

any of such intoxicating liquors as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred (200) dollars nor more than \$1,000; *Provided*, That registered pharmacists under the laws of this State may sell intoxicating liquors for medicinal, mechanical, scientific, and wine for sacramental purposes as hereinafter provided.

SEC. 4. DRUGGISTS' SALE, HOW REGULATED—AFFIDAVITS REQUIRED—PHARMACISTS MAY ADMINISTER OATHS—COUNTY AUDITOR TO FURNISH AFFIDAVIT BLANKS—RECORD OF SALES—PENALTY.] Any druggist having a permit to sell intoxicating liquors under the provisions of this act, may sell the same by himself only in person or by a clerk who is a registered pharmacist or assistant pharmacist under the laws of this State, for medical purposes only, upon the printed or written affidavit of the applicant, setting forth the particular medical purposes for which such liquor is required, the kind and quality (quantity) desired, that it is necessarily and actually needed for the particular purpose by the patient to be named, and that it is not intended for a beverage nor to sell or give away, that the applicant is over 21 years of age; which affidavits shall be in the following form and subscribed by the applicant in ink:

STATE OF NORTH DAKOTA, }
County of } ss.
Date..... No.....

I, the undersigned, do solemnly swear that my real name is....., that I reside at.....county, State of....., that.....of.....is necessarily and actually needed by.....to be used as a medicine for the disease of.....that it is not intended as a beverage nor to sell, and that I am over 21 years of age. I therefore make application to.....druggist for said liquor.

..... Applicant.
Subscribed to in my presence and sworn to before me this.....day of.....
..... Pharmacist.

And such druggist may sell intoxicating liquors for mechanical, scientific and wine for sacramental purposes only upon the written or printed affidavit of the applicant, setting forth the particular purpose for which such liquor is required, the kind and quantity desired, and that it is not intended to be used as a beverage or to sell, and that it is intended only for the use specified in such application, and that the applicant is over 21 years of age. Such affidavit shall be in the following form and subscribed by the applicant in ink:

STATE OF NORTH DAKOTA, }
County of } ss.
Date..... No.....

I, the undersigned, do solemnly swear that my real name is....., that I reside at.....county, State of....., that.....of.....is required by myself to be used for.....purposes, that it is not intended for a beverage nor to sell, and that I am over 21 years of age. I therefore make application to.....druggist for said liquor.

..... Applicant.
Subscribed in my presence and sworn to before me this.....day of.....189..
..... Pharmacist.

And there shall be but one sale and one delivery on any one affidavit, but no druggist shall permit the drinking on his premises, nor in any apartment connected therewith and under his control, any of the intoxicating liquors purchased by affidavit or otherwise; *Provided*, Such druggist shall be permitted to sell any of the liquor mentioned herein, in quantities not less than one gallon, to any other druggist within the State holding a permit as provided in this act. The affidavits provided for in this section shall be made be-

fore the pharmacist or assistant pharmacist making sale of such liquors upon printed blanks, which it is hereby made the duty of the county auditor of the county in which sales are made to furnish to such druggist at a cost equal to the actual and necessary outlay made therefor by him. Such blanks shall be in series of one hundred each, numbered from 1 to 100 consecutively, and bound in book form, each series being of uniform style throughout, except that no two blanks of the same series shall be of the same number. It shall be the duty of the county auditor to endorse each such book with the date of delivery and to whom made, to sign such endorsement and attest to the same with his official seal, and to keep two exact printed copies, except as to numbers, of the blanks of each series, one of which shall be filed in his office and one in the office of the county judge; he shall also keep a record of the series, and of the number of each series, of such blanks furnished to each druggist, and shall, within ten days after the same are delivered to such druggist, file a copy thereof, together with a copy of the blank affidavits, in the office of the county judge of his county. For such services the county auditor shall be entitled to a fee of twenty-five (25) cents for each series of blanks so furnished, to be paid by the druggist obtaining such blanks. All pharmacists and assistant pharmacists are hereby empowered to administer oaths for the purposes of this act, and no such affidavit shall be received by any pharmacist until it shows on its face that it has been properly subscribed and sworn to by the applicant. The affidavits provided for in this section shall be retained by the druggist in the original book form, and on or before the first day of each month shall, together with the affidavit of such druggist that the liquors therein mentioned are all the intoxicating liquors sold by him during the month, except the liquors sold to other druggists, be filed in the office of the county judge who issued his permit, where they shall be safely kept for the period of two years from the date of filing. Before said affidavits shall be received by said county judge, he shall make strict examination of the copies of the affidavits and record of numbers thereof furnished him by the county auditor, and ascertain whether such druggist has returned all affidavits furnished him in blank by the county auditor; and if any such affidavit or blank is missing, said county judge shall require such druggist to file instead thereof his affidavit showing as near as he can what has become of such affidavit or blank. And any person having a permit to sell intoxicating liquors under the provisions of this act shall each month, at the time he files the affidavit herein provided for, also file with the county judge an affidavit setting forth the amounts and kinds of liquors, as nearly as can be done, which such person or firm of which he is a member has on hand on the day such affidavit is made, as well as the amounts and kinds of liquors he has purchased or procured during the preceding month, and the name or names of the persons or corporations and their place of doing business, from whom, and the dates on which such liquors were procured. For each series of affidavits filed under this act, the county judge shall collect one dollar and fifty cents (\$1.50) from the druggist filing the same, or the proportionate part thereof for the number filed, which shall be paid by him on the first day of each month into the county treasury for the benefit of the general county fund. The county judge shall receive no fees for his services under this act, except a salary of fifteen (15) dollars per annum for each 1,000 inhabitants in such county, the number to be determined by the last census return of such county, but in no case shall such salary exceed the sum of \$1,000 per annum, to be paid by the county commissioners as other salaries. Every person whose affidavit so made for the purpose of obtaining intoxicating liquors shall be false in any material matter, shall be deemed guilty of perjury, and shall be punished by confinement at hard labor in the State prison for a period not exceeding two years, or by confinement in the county jail not more than six months. Any person who shall subscribe any name or character other than his own name to any affidavit for the purpose of obtaining intoxicating liquors as provided herein, shall be deemed guilty of forgery in the fourth degree, and punished therefor by imprisonment in the State prison not exceeding two years. Any person who shall sell or furnish any intoxicating

liquors so obtained by him upon affidavit or certificate, to others as a beverage, or shall use the same as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars. Every such druggist shall keep a book wherein shall be recorded daily all sales of intoxicating liquors made by him or his employes, showing the name and residence of the purchaser, the kind and quantities of the liquors sold, and the date of the sale. Such record and affidavit shall be open for the inspection of the public at all reasonable times during business hours, and any person so desiring may take memoranda or copies thereof.

SEC. 5. PENALTY FOR MAKING FALSE AFFIDAVIT OR VIOLATIONS OF PROVISIONS OF THIS ACT.] Any druggist or pharmacist, or assistant pharmacist in his employ, who shall fail or neglect to make and keep a record as herein provided of any intoxicating liquors by him sold before the same are delivered, or shall refuse any person an examination of such record or the taking of memoranda or copy therefrom at any time during business hours; or, who shall sell, barter or give away any such liquors at any place not designated in his permit, or upon any affidavit other than those herein provided; or who shall make any false affidavit as to any sales made by him or his employes, or shall fail to sign the certificate to the signature of any applicant for such liquor prior to the delivery thereof, or shall sign any false certificate to any such affidavit or shall mutilate or remove any affidavits from the book to him issued as aforesaid; or shall fail to return the same as hereinbefore provided; or shall sell any intoxicating liquor to any person whom he has reason to believe desires the same to use as a beverage, or sell liquor when he has reason to believe the liquor sold is not a remedy for the ailment described in the affidavit therefor; or shall sell, barter or give away, any intoxicating liquors to any minor, any person under the influence of liquor, or who is in the habit of becoming intoxicated, or who shall allow such liquor sold as a medicine or otherwise, to be drunk on the premises, or premises under his control; or in any other manner omit any act required of him herein, or violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred (200) dollars nor more than \$1,000; and in all cases when forfeitures are provided under the provisions of this act, the court shall declare the same on the rendering judgment in the action.

SEC. 10. INFORMATION TO BE FILED IN CERTAIN CASES—TRIAL—PENALTY IN CASE OF GUILT.] If the statement of any witness so taken before the state's attorney or a justice of the peace, as in the last preceding section provided, shall disclose the fact that intoxicating liquors are being kept for unlawful sale or purpose, or are being sold by an unknown person or persons, particularly describing such unknown person or persons, contrary to the provisions of this act, at any place, particularly describing the place to be searched, and the property to be seized, as hereinafter provided, within such county, it shall be the duty of such state's attorney to forthwith file his information, together with such statements, with some magistrate of the county having jurisdiction, against such place and the unknown keepers thereof, which information when verified by such state's attorney upon information and belief, together with such statements as aforesaid, shall have the same effect as if such information had been sworn to positively; and thereupon a warrant shall issue, directed to the proper officer, commanding him to search the premises described in the information, and to seize all intoxicating liquors and all vessels and bottles containing the same, and arrest the keeper or keepers thereof, and said person or persons so arrested shall be examined and tried in the manner prescribed by law for the examination and trial of persons charged with an indictable offense, and if upon trial are found guilty, shall be fined not less than two hundred (200) dollars, nor more than \$1,000.

SEC. 12 STATE'S ATTORNEY TO PROSECUTE—COUNTY TREASURER TO PLACE FINES IN SPECIAL FUND—WHEN ATTORNEY GENERAL MAY PROSECUTE.] It shall be the duty of the state's attorney to diligently prosecute any and all persons violating any of the provisions of this act, in their respective counties,

and to bring suit upon all bonds or recognizances forfeited, immediately after the happening of such forfeiture, to recover the penalty, and to pay all money so collected, as herein provided, into the treasury of said county, and take the receipt of the treasurer therefor; it shall be the duty of said treasurer to credit said money temporarily, to a special fund, to be designated as the liquor prosecution fund, to be disposed of as hereinafter provided. Said state's attorney is hereby empowered to draw his warrants, in each case separately, upon such fund to pay the expenses actually and necessarily incurred by him in securing testimony for, and in enforcing the provisions of this act. *Provided, however,* That no treasurer shall pay any of said warrants so drawn by the states attorney as aforesaid, until he files with such treasurer an itemized statement of such expenses in each and every case, duly verified by himself to the effect that the same were actually and necessarily incurred to promote the ends above expressed, and that the same have not been paid. Said treasurer shall, upon proper entries upon his books, specifically designate the action upon which such money was received and paid out, and any balance remaining in each action, before the payment of the necessary expenses hereinbefore specified, shall be by such treasurer passed to the credit of the common school fund. If any state's attorney shall fail, neglect or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred (100) dollars, nor more than five hundred (500) dollars. And, whenever the state's attorney shall be unable, or shall neglect or refuse to enforce the provisions of this act in his county, or for any reason whatever the provisions of this act shall not be enforced in his county, it shall be the duty of the Attorney General to enforce the same in such county, and for that purpose he may appoint as many assistants as he shall see fit, and he and his assistants shall be authorized to sign, verify and file all such complaints, petitions and papers as the state's attorney is authorized to sign, verify or file, and to do and to perform any act that the state's attorney might lawfully do or perform; and for such service he or his assistant shall receive a fee of five (5) dollars upon each count upon which the defendant is convicted, to be taxed and collected in the same manner, except that in all cases where there shall be a conviction, and the attorney's fees as provided for in this act shall not be paid by the defendant within one month after conviction the county where such conviction is had shall become liable to the Attorney General or his assistant prosecuting such case for a fee of five (5) dollars upon each count upon which the defendant shall have been convicted.

SEC. 16. CLUB HOUSES PROHIBITED—PENALTY.] Every person who shall, directly or indirectly, keep or maintain, by himself or by association or combining with others, or who shall in any manner aid, assist or abet, in keeping or maintaining any club room, or other place in which any intoxicating liquor is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any club or association by any means whatever; and every person who shall use, barter, sell or give away, or assist or abet another in bartering, selling or giving away any intoxicating liquors so received or kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (100) dollars, nor more than \$1,000.

SEC. 24. WHEN DRUGGIST PROHIBITED FROM SELLING LIQUOR UPON ANY TERMS.] Whenever the father, mother, brother, sister, wife, husband or guardian, or any relative of any person, shall notify any druggist that such person, naming him, is in the habit of becoming intoxicated, and shall forbid said druggist from selling, bartering or giving to such person any intoxicating liquors, it shall be unlawful for any druggist, after such notice, to let such person have any intoxicating liquors upon any terms or conditions whatever. Any druggist who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred (100) dollars nor more than five hundred (500) dollars.

Mr. Loomis moved
To adopt the amendment.

Mr. Gill moved as a substitute
That all amendments be referred to the Committee on Temperance for re-arrangement.

Mr. Burke moved
To lay the motion to refer upon the table.

Roll call demanded.

The roll being called there were ayes 30, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Loomis,
Brown,	Fay,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	White,
Ebbighausen,	Kearney,	Williams,
Erickson,	Larson,	Yegen.

Those who voted in the negative were.

Messrs—	Messrs—	Messrs—
Bjornson,	Hill,	Richie,
Burton,	Hodgson,	Skinner,
Christianson,	Holte,	Smith,
Davis,	Lamb,	Strom,
Dennett,	Loring,	Thompson,
Douglas,	McCulloch,	Tufts,
Fiske,	Noltimier,	Wallen,
Foss,	Oliver,	Ward,
Gill,	Peabody,	Watson,
Hanson,	Peterson,	Mr. Speaker.

Messrs. Axvig and Beardsley being absent and not voting.

So the motion to lay upon the table was lost.

The question recurring upon the motion to re-refer,
The motion was withdrawn.

Mr. Oliver moved

That the consideration of the bill be deferred until to-morrow,
and that it be engrossed and printed.

Mr. Lutz moved as an amendment

That the third reading and final passage of the bill be made a
special order for 11 o'clock a. m. to-morrow.

Mr. Gill moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 28, nays 33.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hodgson,	Skinner,
Bjornson,	Holte,	Smith,
Burton,	Loring,	Strom,
Christianson,	McCulloch,	Thompson,
Dennett,	Noltimer,	Tufts,
Fiske,	Oliver,	Wallen,
Foss,	Peabody,	Ward,
Gill,	Peterson,	Watson,
Hanson,	Richie,	Mr. Speaker.
Hill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Larson,
Brooke,	Farrab,	Loomis,
Brown,	Fay,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgau,	White,
Davis,	Kearney,	Williams,
Ebbighausen,	Lamb,	Yegen.

Mr. Douglas being absent and not voting.

And so the motion to adjourn was lost.

The question then recurring upon the amendment of Mr. Lutz,

Mr. Gill moved as an amendment to the amendment

That the hour be fixed at 4 o'clock p. m. to-morrow,

Which amendment was accepted, and

The question recurring upon the motion as amended,

The motion prevailed, and

The bill was made a special order for 4 o'clock to-morrow.

Mr. Williams moved

That the House do now adjourn,

Which motion was lost.

Substitute for House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells and to provide for locating the same,

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

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Haight,	Peabody,
Brown,	Hanson,	Peterson,
Burke,	Havrevold,	Richie,
Burton,	Hill,	Satterlund,
Colosky,	Hodgson,	Skinner,
Cope,	Holte,	Smith,
Daniel,	Holritz,	Strom,

Messrs—

Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Fay,
Fiske,
Foss,
Gill,
Graber,

Messrs—

Horgan,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,

Messrs—

Thompson,
Triplett,
Tufts,
Wallen,
Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Cunningham,

Messrs—

Daily,

Messrs—

Kearney.

Absent and not voting:

Messrs—

Bjornson,
Brooke,
Christianson,

Messrs—

Farrar,
Hall,
Loomis,

Messrs—

Walton,
White.

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

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,

Was partially read the third time, and

Mr. Gill moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

Mr. Kearney renewed the motion.

Mr. Strom moved as a substitute

That the reading of the bill be proceeded with,

Which motion prevailed, and

The third reading of the bill was resumed.

Mr. Beardsley moved

That the House do now adjourn,

Which motion was lost.

Mr. Speaker called Mr. Loring to the Chair.

The third reading of the bill was completed, and

Mr. Strom moved

To amend the bill as follows:

Amend Section 5 by adding the following as subdivision 6:

Sixth. They shall not raise nor reduce the aggregate valuation of all the property in the State, as returned by the several county auditors, more than 1 per centum on the whole valuation thereof.

Which motion prevailed, and

The bill was so amended.

Mr. Strom moved

To further amend Section 1 by inserting the following as subdivision 11:

Eleventh. All improvements made on real property by setting out either forest or fruit trees, or shrubbery, which shall not be considered as increasing the value of the land for purposes of taxation.

Which motion prevailed, and
The bill was so amended.

Mr. Peabody moved

To further amend the bill as follows:

Amend by striking out all of Section 2, and insert in lieu thereof the following: "Section 18 of Chapter 132 of the Laws of 1890 is hereby repealed."

Which motion prevailed, and
The bill was so amended.

The question being upon the passage of the bill,
The roll being called there were ayes 28, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Oliver,
Bjornson,	Hill,	Peabody,
Burke,	Hodgson,	Richie,
Christianson,	Holte,	Skinner,
Cope,	Holritz,	Strom,
Davis,	Larson,	Thompson,
Dennett,	Lutz,	Wallen,
Douglas,	McCulloch,	Ward,
Erickson,	Noltmier,	Mr. Speaker.
Foss,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Osgood,
Brown,	Gill,	Peterson,
Colosky,	Graber,	Smith,
Cunningham,	Haight,	Triplett,
Daily,	Horgan,	Tufts,
Daniel,	Kearney,	White,
Ebbighausen,	Lamb,	Yegen.
Fay,	Loring,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Havrevold,	Walton,
Burton,	Loomis,	Watson,
Farrah,	McKendry,	Williams.
Hall,	Satterlund,	

So the bill was lost, a majority of the members-elect not voting therefor.

Mr. Oliver (by unanimous consent) offered the following resolution:

WHEREAS, It is evident to every student of agricultural industry that in

order to keep pace with the older and more developed countries of the world in the strife for profitable markets for products this great nation must seek to improve the expanse of its foreign trade; and,

WHEREAS, The great northwest, of which the State of North Dakota has the distinction of forming no small part, is pre-eminently an agricultural-producing section, raising annually many millions more breadstuff than it consumes; and,

WHEREAS, The Latin-American Republics of South and Central America contain some fourteen million consumers of manufactured cereals, offering at once a market equal to one-fourth the whole the United States; and,

WHEREAS, It must be acknowledged by the intelligent observer that great benefits would immediately accrue were these markets opened to our products; therefore, be it

Resolved, That the Second Legislative Assembly of the State of North Dakota most heartily indorses the reciprocity policy of that far-seeing, fearless, progressive and eminently grand American statesman, the Hon. James G. Blaine; believing that the establishment of his policy of reciprocity and international good feeling between the United States and these southern republics would materially assist in making this country the market of the world, greatly enhance the value of the labor and products of the farmers of the State of North Dakota and the Northwest, and ultimately aid in the maintenance of our vast American manufacturing interests.

Mr. Beardsley moved
That the House do now adjourn,
Which motion was lost.

Roll call demanded on the adoption of the resolution.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
Substitute House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

The roll being called there were ayes 39, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Peabody,
Bjornson,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Hill,	Skinner,
Colosky,	Holte,	Smith,
Davis,	Holritz,	Strom,
Dennett,	Lamb,	Thompson,
Douglas,	Loomis,	Tufts,
Erickson,	Loring,	Wallen,
Fay,	Noltmier,	Ward,
Fiske,	Oliver,	White,
Foss,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—
Beardsley,
Burke,
Cunningham,

Messrs—
Daily,
Ebbighausen,
Horgan,

Messrs—
Kearney,
Lutz,
McCulloch.

Absent and not voting:

Messrs—
Brooke,
Cope,
Daniel,
Farrah,
Graber,

Messrs—
Havrevold,
Hodgson,
Larson,
McKendry,
Triplett,

Messrs—
Walton,
Watson,
Williams,
Yegen.

And so the resolution was adopted.

Mr. Holritz moved
That the House do now adjourn.
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1891.

The House assembled at 10:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Beardsley.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 165,

A Joint Resolution for the submission of an amendment to the Constitution of the State of North Dakota,

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

That in Section 1, line 16 after the word "each" insert the words "*Provided*, That at the first election held after the adoption of this change of the Constitution there shall be one Commissioner of Railroads elected for two years, one for four years, and one for six years." In same line after the word "and" insert the word "that."

In line 17 after the word "election" insert the word "thereafter."

And when so amended recommend that the same do pass.

Also,
Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer all moneys now to the credit of the stock indemnity fund, and all that may be hereafter paid into said fund credited to the stock indemnity fund as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.50 credited to the counties of Buford, Flannery and Mountraille to the General Fund of the State of North Dakota.

And recommend that the same do pass.

FRED DENNETT,
Chairman.

The Committee on Banks and Banking made the following report:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by guaranty companies,

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

H. S. OLIVER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Kearney moved

That the vote by which House Bill No. 225 was lost be reconsidered,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed,

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

The question being upon the passage of the bill,

The roll being called there were ayes 45, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Dennett,
Douglas,

Messrs—

Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Smith,
Strom,
Tripplett,
Tufts,
Wallen,
Walton,

Messrs—

Fay,
Fiske,
Foss,
Gill,
Haight,

Messrs—

Loring,
McCulloch,
Noltmier,
Oliver,
Osgood,

Messrs—

Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Burton,
Cunningham,
Daily,
Daniel,
Davis,

Messrs—

Ebbighausen,
Erickson,
Farrah,
Graber,
Havrevold,
Loomis,

Messrs—

Lutz,
McKendry,
Skinner,
Thompson,
White.

So the bill passed and the title was agreed to.

House Bill No. 233,

A bill for an act to repeal Section 4, and to amend Sections 6 and 7, Chapter 184 of the Laws of 1890, being an act defining usury and the penalty for taking the same,

Was read the third time, and

Mr. Williams moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 249,

A bill for an act to prevent property from escaping taxation through technical defects,

Was read the third time, and

Mr. Fay moved

To amend the bill by striking out in the third line of the printed bill the words "county clerk or,"

Which motion prevailed, and

The bill was so amended.

Mr. Kearney moved

That all referring to interest be stricken out of the bill,

Which motion was lost.

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 248,

A bill for an act amending Section 1, Chapter 132 of the Laws of 1887, being Section 3024 of the Compiled Laws of 1887, and relating to railway police,

Was read the third time, and

Mr. Gill moved

To strike out the word "territory" wherever it occurs in the body of the bill, and insert the word "State" in lieu thereof,

Which motion prevailed, and
The bill was so amended.

The question being upon the passage of the bill,
The roll being called there were ayes 34, nays 16.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brown,
Christianson,
Colosky,
Daily,
Davis,
Dennett,
Erickson,
Fay,
Fiske,
Gill,

Messrs—

Graber,
Haight,
Hall,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Loomis,
Loring,
Oliver,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Tufts,
Walton,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Brooke,
Burke,
Cunningham,
Douglas,
Ebbighausen,

Messrs—

Farrah,
Foss,
Hanson,
Kearney,
Lamb,

Messrs—

Larson,
McCulloch,
Osgood,
Triplett,
Ward.

Absent and not voting:

Messrs—

Burton,
Cope,
Daniel,
Havrevold,

Messrs—

Lutz,
McKendry,
Noltimier,
Thompson,

Messrs—

Wallen,
Watson,
White,
Williams.

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

House Bill No. 232,

A bill for an act to amend Sections 49 and 53 of Chapter 132,
Laws of 1890,

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

The question being upon the passage of the bill,
The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Christianson,
Colosky,
Cunningham,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,

Messrs—

Daily,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Gill,

Messrs—

Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
Noltmier,
Oliver.

Messrs—

Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Burton,
Cope,

Messrs—

Daniel,
Foss,
Havrevold,

Messrs—

McKendry,
Thompson,
White.

Mr. Horgan voting in the negative.

So the bill passed and the title was agreed to.

Mr. Burton moved

That the House proceed to the third reading of Senate bills.

Mr. Gill moved as a substitute

That all House bills remaining be read by their titles, and the House dispose of them as the title are read,

Which motion was lost.

The question recurring upon the motion of Mr. Burton,

Mr. Daily moved

To lay the motion upon the table,

Which motion prevailed.

House Bill No. 83,

A bill for an act to provide free and uniform system of text books,

Was read the third time by its title, and

Mr. Loring moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 84,

A bill for an act to establish county uniformity of school text books,

Was read the third time by its title, and

Mr. Peterson moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 139,

A bill for an act to regulate the compensation of school officers,

Was read the third time, and

Mr. Lutz moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 245,

A bill for an act authorizing commissioners of the United States circuit court to administer oaths,

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

The question being upon the passage of the bill,

The roll being called there were ayes 44, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hall,	Richie,
Burke,	Hanson,	Satterlund,
Christianson,	Hodgson,	Skinner,
Colosky,	Holte,	Smith,
Dail,	Holritz,	Strom,
Davis,	Horgan,	Triplett,
Dennett,	Kearney,	Tufts,
Douglas,	Larson,	Wallen,
Ebbighausen,	Loomis,	Walton,
Erickson,	Loring,	Watson,
Fay,	McCulloch,	Yegen,
Fiske,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burton,	Lamb,	Ward.
Foss,	Noltimier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	McKendry,
Cope,	Havrevold,	Thompson,
Cunningham,	Hill,	White,
Daniel,	Lutz,	Williams.

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

House Bill No. 240,

A bill for an act to promote irrigation,

Was read the third time, and

Mr. Fay moved

That the bill be amended as follows:

That the words "county clerk" and "county board of supervisors" be stricken out wherever they appear, and the words "county auditor" and "county commissioners" be inserted therefor,

Which motion prevailed, and
The bill was so amended.

Mr. Burke moved

To lay the amendments proposed by the Committee on Irrigation upon the table,

Which motion prevailed.

Mr. Fay moved

To strike out Section 28,

Which motion prevailed, and

The bill was so amended.

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,

Messrs—

Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
McCulloch,
McKendry,

Messrs—

Noltmier,
Oliver,
Osgood,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,
Daniel,

Messrs—

Havrevold,
Richie,

Messrs—

Thompson,
White.

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

House Bill No. 241,

A bill for an act entitled "An act giving county treasurers the power to deposit county funds in National or other banks,"

Was read the third time, and

Mr. Brown moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Session Laws of 1890, "An act to provide for a uniform system of free

public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the third time, and

Mr. Douglas moved

To adopt the amendment proposed by the Joint Committee on Education,

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 42, nays 7.

Those who voted in the affirmative were:

Messrs—

Axvig,
Brown,
Burke,
Burton,
Christianson,
Cope,
Cunningham,
Daily,
Davis,
Dennett,
Douglas,
Erickson,
Farrah,
Fay,

Messrs—

Fiske,
Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Horgan,
Kearney,
Lamb,
Larson,
Lutz,
McCulloch,

Messrs—

Noltmier,
Oliver,
Osgood,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Ward,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brooke,
Holritz,
Loring,

Messrs—

McKendry,
Richie,

Messrs—

Walton,
Watson.

Absent and not voting:

Messrs—

Beardsley,
Bjornson,
Colosky,
Daniel,
Ebbighausen,

Messrs—

Havrevold,
Hodgson,
Holte,
Loomis,

Messrs—

Peabody,
Thompson,
White,
Williams.

So the bill passed and the title was agreed to.

Mr. Fiske moved

That the further consideration of House Bill No. 148 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill be indefinitely postponed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
March 4, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have this day approved

House Bill No. 172,

An act authorizing civil townships to issue bonds to procure seed for needy farmers resident therein.

Also,

House Bill No. 94,

An act providing for the attaching of certain townships to Ramsey county.

Also,

House Bill No. 114.

An act providing for the location of a Blind Asylum in the county of Pembina, State of North Dakota, at such place in the county of Pembina as the qualified electors of said county may determine, at an election to be held as prescribed by the Legislative Assembly of the State of North Dakota, with a grant of land as provided in Section 216, Article 19 of the Constitution of the State of North Dakota.

Very respectfully,

ANDREW H. BURKE,
Governor.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
March 4, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I am just in receipt of telegraphic communication to the effect that the bill in Congress providing for seed grain for needy farmers in the Northwestern States was defeated in the National House of Representatives.

Very respectfully,

ANDREW H. BURKE,
Governor.

Substitute for House Bill No. 192,

A bill for an act to provide for the licensing of dogs and indemnifying the owners of sheep and other stock in case of damage by dogs and creating a fund to pay for the same by a dog license,

Was read the third time, and

Mr. Wallen moved

That the further consideration of the bill be indefinitely postponed.

Which motion was withdrawn.

Mr. Burke moved

To amend the bill as follows:

In line 2, Section 2, strike out the figure "\$2" and insert the figure "\$1."

In line 3, strike out the figure "\$5" and insert the figure "\$3,"

Which motion prevailed, and
The bill was so amended.

Mr. Lamb moved
To amend the bill as follows:

In Section 5, line 2, strike out the words and figures "twenty-five (25) cents" and "fifty (50) cents" and insert in lieu thereof the words and figures "ten (10) cents" and "twenty-five (25) cents."

Which motion prevailed, and
The bill was so amended.

Mr. Burke moved
To amend the bill as follows: Add at the end of Section 6:

Provided, That no person or persons shall be held liable for sheep killed by a dog, or dogs, when said sheep are killed while trespassing upon the property of the owner of said dog or dogs.

Which motion prevailed, and
The bill was so amended.

Mr. Lutz moved
To further amend as follows:
By striking out the last part of Section 6.

Mr. Burke moved as a substitute
To amend Section 6 by striking out "\$1" and substituting "50 cents."

Which motion was lost, and
The amendment was lost.

Mr. Gill moved the previous question on the passage of the bill, and

The question being shall the main question be now put,
The main question was ordered.

The question being upon the passage of the bill as amended,
The roll being called there were ayes 42, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fiske,	Oliver,
Brown,	Foss,	Osgood,
Burke,	Gill,	Peabody,
Burton,	Hanson,	Richie,
Christianson,	Hodgson,	Satterlund,
Colosky,	Holritz,	Skinner,
Cope,	Lamb,	Smith,
Cunningham,	Larson,	Triplett,
Daily,	Loomis,	Tufts,
Davis,	Loring,	Walton,
Dennett,	Lutz,	Ward,
Ebbighausen,	McCulloch,	Watson,
Farrah,	McKendry,	Yegen,
Fay,	Noltmier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Douglas,
Erickson,

Messrs—

Graber,
Haight,
Hall,
Hill,
Holte,

Messrs—

Horgan,
Kearney,
Peterson,
Strom,
Wallen,

Absent and not voting:

Messrs—

Daniel,
Havrevold,

Messrs—

Thompson,
White,

Messrs—

Williams.

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

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that House Bills Nos. 94, 114 and 172 were delivered to his excellency the Governor, for approval, at the hour of 2:40 o'clock p. m., March 3d.

H. A. NOLTIMIER,
Chairman.

Mr. Daily moved

That the House do now take a recess until 2 o'clock p. m.,
Which motion prevailed, and
The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House reassembled at 2 o'clock p. m.

Mr. Speaker laid the following communication before the House:

GRAND FORKS, N. D., March 3, 1891.

To the President of the Senate and Speaker of the House of Representatives:
Resolved, By the executive board and aid commission of the farmer's alliance of North Dakota, in executive session at Grand Forks, that the bill making an appropriation for the display of products of North Dakota at the Columbian exposition, be indefinitely postponed, and we respectfully ask that an appropriation of \$25,000 to be made for the purchase of seed grain for our destitute farmers.

WALTER MUIR, President.
E. C. D. SHORTRIDGE, Vice President.
IRA S. LAMPMAN, Vice President.
N. D. WITHAM, Vice President.
M. D. WILLIAMS, Secretary.
SMITH STIMMEL, Treasurer.
R. H. RICHEYSON,

Aid Committee.

Mr. McCulloch (by request) presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

WHEREAS, There is a bill before your honorable body having for its object the repeal of the present prohibitory law; and,

WHEREAS, We believe that the passage of such bill would be highly injurious to the best interests of our State.

Therefore, We, the undersigned residents of Steele county, North Dakota, do hereby petition your honorable body not to pass said bill, and further, we respectfully remind the republican members of their pledge to the people of this State, as set forth in the last State platform.

T. S. HUNT,
and 28 others.

Mr. Hodgson presented the following remonstrance:

To the Honorable, the House of Representatives of the State of North Dakota:

We, the undersigned, residents of Sargent county, North Dakota, are opposed to any repeal of or any change in the existing prohibitory law.

J. H. VAIL,
and 48 others.

Substitute for House Bill No. 190,

A bill for an act compelling county physicians of each county to attend and render medical assistance to all persons in their respective counties who are unable to employ a physician, and who may need such medical attendance,

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

The question being upon the passage of the bill,
The roll being called there were ayes 44, nays 9.

Those who voted in the affirmative were:

Messrs—

Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Daily,
Daniel,
Davis,
Douglas,
Ebbighausen,
Erickson,
Fay,
Fiske,
Foss,

Messrs—

Gill,
Graber,
Hall,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Lamb,
Loring,
McKendry,
Noltimier,
Oliver,
Peabody,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beardsley,
Bjornson,
Cope,

Messrs—

Farrar,
Kearney,
Larson,

Messrs—

Loomis,
Osgood,
Watson.

Absent and not voting:

Messrs—

Axvig,
Cunningham,
Dennett,

Messrs—

Haight,
Hanson,
Lutz,

Messrs—

McCulloch,
Triplett,
White.

So the bill passed and the title was agreed to.

The committee to examine and correct the Journal of the fifty-third day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fifty-third day report that they have examined the same and find it to be correct.

J. P. LAMB,
Chairman.

Mr. Speaker appointed as the committee to examine and correct the Journal of the fifty-seventh day, Messrs. Noltimier, McKendry and Peabody.

The committee to examine and correct the Journal of the fifty-seventh day made the following report:

MR. SPEAKER:

Your committee to examine and correct the Journal of the fifty-seventh day report that they have examined the same and recommend that on page 20 [682], immediately following the roll call, the following be inserted:

“Mr. Oliver raised the point of order that the bill could not be read the third time, it not being engrossed,

Which point of order was sustained.”

And with this correction recommend that the Journal be approved.

H. A. NOLTIMIER,
Chairman.

Mr. Richie moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

House Bill No. 188,

A bill for an act to provide for the assessment and taxation of railroads and railroad property in the State of North Dakota,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill.

The roll being called there were ayes 34, nays 26.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Burton,
Christianson,
Colosky,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Fiske,
Foss,

Messrs—

Hanson,
Havrevold,
Hill,
Hodgson,
Lamb,
Larson,
Loring,
Lutz,
McCulloch,
Noltimier,
Oliver,

Messrs—

Peabody,
Peterson,
Richie,
Skinner,
Strom,
Thompson,
Tufts,
Wallen,
Ward,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brooke,
Brown,
Burke,
Cope,
Cunningham,
Daily,
Ebbighausen,
Farrah,
Fay,

Messrs—

Gill,
Graber,
Haight,
Hall,
Holritz,
Horgan,
Kearney,
Loomis,
McKendry,

Messrs—

Osgood,
Satterlund,
Smith,
Triplett,
Walton,
Watson,
Williams,
Yegen.

Messrs. Axvig and Holte being absent and not voting.

So the bill passed, but the emergency clause was lost, and
The title of the bill was agreed to.

House Bill No. 103,

A bill for an act to establish reasonable maximum rates of charges
for the transportation of freight and property on the different
railroads in this State,

Was read the third time by its title, and

Mr. Oliver moved

That the bill be made a special order for next Saturday, March
7th, at 2 o'clock,

Which motion prevailed, and

The bill was made a special order.

Mr. McCulloch moved

That the vote by which House Bill No. 236 was lost be recon-
sidered.

Mr. Oliver raised the point of order that Mr. McCulloch could
not make the motion because he did not vote on the prevailing
side,

Which point of order was decided well taken, and

Mr. Speaker ruled the motion out of order.

House Bill No. 186,

A bill for an act to amend Section 9, Chapter 69, Laws of 1889,
relating to mutual insurance companies,

Was read the third time by its title, and

Mr. Gill moved

That the further consideration of the bill be indefinitely post-
poned,

Which motion prevailed, and

The further consideration of the bill was indefinitely post-
poned.

House Bill No. 252,

A bill for an act providing for the appointment of notaries
public, and providing a penalty for violating the provisions
thereof,

Was read the third time, and

Mr. Burke moved

That the bill be amended as follows:

In line 5, Section 2, insert "\$5" in the blank.

Mr. Brooke moved as a substitute
That "two" be inserted instead of "five,"
Which motion prevailed, and
The bill was so amended.

Mr. Burke moved
To amend the bill as follows:

In line 1, Section 10, strike out the words "he enters" and insert the word "entering,"

Which motion prevailed, and
The bill was so amended.

The question being upon the passage of the bill,
The roll being called there were ayes 51, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
Lutz,
Noltimier,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Smith,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brown,
Cope,
Davis,
Foss,

Messrs—

Hill,
McCulloch,
McKendry,

Messrs—

Oliver,
Skinner,
Strom.

Mr. Beardsley voting in the negative.

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 143,

A bill for an act to amend Section 70, of Chapter 62, Laws of 1890, entitled an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provision thereof,

Also,
House Bill No. 248,

A bill for an act amending Section 1, Chapter 132 of the Laws of 1887, being Section 3024 of the Compiled Laws of 1887, and relating to railway police,

Also,

House Bill No. 192,

A bill for an act to provide for the licensing of dogs and indemnifying the owners of sheep and other stock in the case of damage by dogs, and creating a fund to pay for the same by a dog license,

Also,

House Bill No. 240,

A bill for an act to promote irrigation,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Ward moved

That the report of the Conference Committee on House Bill No. 25, be now considered,

Which motion prevailed, and

The Conference Committee on House Bill No. 25 made the following report:

MR. SPEAKER:

Your Conference Committee on

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

Have had the same under consideration and recommend that same do pass as amended by the Senate.

C. B. LITTLE,
Chairman of Senate Committee.

H. S. OLIVER,
Chairman of House Committee.

Mr. Satterlund moved

That the House concur in the Senate amendments,

Which motion prevailed, and

The question being upon the passage of the bill as amended,
The roll being called there were ayes 48, nays 9.

Those who voted in the affirmative were:

Messrs—

Axvig,
Brooke,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Daily,
Daniel,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,

Messrs—

Noltmier,
Oliver,
Peabody,
Rachie,
Satterlund,
Skinner,
Strom,
Thompson,
Triplett,

Messrs—	Messrs—	Messrs—
Davis,	Horgan,	Tufts,
Dennett,	Kearney,	Wallen,
Douglas,	Lamb,	Walton,
Ebbighausen,	Larson,	Ward,
Farrab,	Lutz,	Williams,
Fay,	McCulloch,	Yegen,
Foss,	McKendry,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Loomis,	Peterson,
Bjornson,	Loring,	Smith,
Fiske,	Osgood,	Watson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Erickson,	White.
Cunningham,	Havrevold,	

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

Mr. Lutz (by request) moved

That the vote by which House Bill No. 236 was indefinitely postponed be reconsidered.

Mr. Oliver raised the point of order that a bill that has been indefinitely postponed cannot be reconsidered,

Which point of order was decided well taken, and

Mr. Speaker ruled the motion out of order.

House Bill No. 229,

A bill for an act to amend paragraph 5 of Article 7, Chapter 9, Political Code, Compiled Laws of 1887, relating to specific powers of the board of county commissioners,

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

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Oliver,
Beardsley,	Graber,	Osgood,
Bjornson,	Haight,	Peabody,
Brooke,	Hall,	Peterson,
Brown,	Hanson,	Satterlund,
Burke,	Havrevold,	Skinner,
Christianson,	Hill,	Smith,
Colosky,	Hodgson,	Strom,
Daily,	Holte,	Thompson,
Davis,	Holritz,	Triplett,
Dennett,	Horgan,	Tufts,
Douglas,	Lamb,	Walton,
Ebbighausen,	Larson,	Ward,
Erickson,	Loomis,	Watson,
Fay,	Loring,	Yegen,
Fiske,	Lutz,	Mr. Speaker.
Foss,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	Kearney,	Wallen,
Cunningham,	McCulloch,	White,
Daniel,	Noltmier,	Williams.
Farrah.	Richie,	

Mr. Cope voting in the negative.

So the bill passed and the title was agreed to.

Mr. Lutz moved

That the vote by which House Bill No. 233 was indefinitely postponed be reconsidered.

Mr. Oliver raised the point of order that the motion could not be entertained,

Which point of order was decided not well taken, and
The motion to reconsider prevailed.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of Senate Bill No. 186 made a special order for 3 o'clock p. m.,

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.,

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

The question being upon the passage of the bill,
The roll being called there were ayes 39, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hill,	Peterson,
Christianson,	Hodgson,	Richie,
Cope,	Holte,	Satterlund,
Davis,	Holritz,	Skinner.
Dennett,	Horgan,	Smith,
Erickson,	Larson,	Strom,
Farrah,	Loomis,	Thompson,
Fay,	Lutz,	Tufts,
Gill,	McKendry,	Wallen,
Graber,	Noltmier,	Ward,
Haight,	Olver,	Watson,
Hanson,	Osgood,	White,
Havrevold,	Peabody,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Daily,	Kearney,
Beardsley,	Daniel,	Lamb,
Bjornson,	Douglas,	Loring,
Brown,	Ebbighausen,	McCulloch,
Burke,	Fiske,	Triplet,
Colosky,	Foss.	Mr. Speaker.
Cunningham,		

Absent and not voting:

Messrs—
Burton,
Hall,

Messrs—
Walton,

Messrs—
Williams.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 4, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 196,

A bill for an act entitled an act regulating the adoption of children.

Also,

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

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

C. C. BOWSFIELD,
Secretary.

House Bill No. 238,

A bill for an act to amend Section 1 of Chapter 78 of the General Laws of 1890, entitled "An act to amend Section 16 of Chapter 69 of the Laws of 1885, and Section 10 of Chapter 69 of the General Laws of 1887, relating to the publication of insurance statements,

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

The question being upon the passage of the bill,
The roll being called there were ayes 47, nays 1.

Those who voted in the affirmative were:

Messrs—
Axvig,
Beardsley,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Ebbighausen,
Erickson,
Farrah,

Messrs—
Fiske,
Foss,
Graber,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,

Messrs—
Noltimer,
Osgood,
Peabody,
Peterson,
Richie,
Smith,
Strom,
Thompson,
Triplett,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haight,	Skinner,
Cope,	Hall,	Tufts,
Douglas,	Lutz,	Wallen,
Fay,	Oliver,	Williams.
Gill,	Satterlund,	

Mr. McKendry voting in the negative.

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

House Bill No. 233,

A bill for an act to repeal Section 4, and to amend Sections 6 and 7, Chapter 184 of the Laws of 1890, being an act defining usury and the penalty for taking the same,

Was placed upon its final passage, and

Mr. Oliver raised the point of order that the bill was not properly before the House; that the bill had once been indefinitely postponed, and that under the rules of the National House of Representatives, which govern where the House rules are silent, the vote could not be reconsidered,

Which point of order Mr. Speaker decided well taken, and

Ruled that the bill was not properly before the House.

Mr. Lutz appealed from the decision of the Chair, and

The question being, Shall the decision of the Chair be sustained?

The decision of the Chair was sustained.

House Bill No. 165,

A Concurrent Resolution for the submission of an amendment to the Constitution of the State of North Dakota,

Was read the third time, and

The question being upon the adoption of the resolution,

The roll being called there were ayes 28, nays 33.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Havrevold,	Peabody,
Burke,	Hill,	Richie,
Burton,	Hodgson,	Strom,
Christianson,	Holritz,	Thompson,
Cope,	Larson,	Walton,
Dennett,	Loring,	Watson,
Erickson,	McKendry,	White,
Gill,	Noltimer,	Yegen,
Haight,	Oliver,	Mr. Speaker.
Hanson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrar,	Lutz,
Beardsley,	Fay,	Osgood,
Bjornson,	Fiske,	Peterson,
Brown,	Foss,	Satterlund,
Colosky,	Graber,	Skinner,
Cunningham,	Hall,	Smith,

Messrs—

Daily,
Daniel,
Davis,
Douglas,
Ebbighausen,

Messrs—

Holte,
Horgan,
Kearney,
Lamb,
Loomis,

Messrs—

Triplett,
Tufts,
Wallen,
Ward,
Williams.

Mr. McCulloch being absent and not voting.

And so the concurrent resolution was lost.

House Bill No. 225,

A bill for an act to amend Sections 5, 18, 29, 46, 55, 48, 110, 68, and 76, of Chapter 132 of the Laws of 1890, and to repeal Chapter 132 of the Laws of 1890, being an act entitled "An Act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,"

Was placed upon its final passage.

Mr. Kearney moved

To strike out in line 157, the words "one percentum," and insert the words "five per centum,"

Which motion was lost.

Mr. Daily moved

That the bill be placed upon its final passage as printed.

Mr. Burton moved as a substitute

That the bill be passed as printed with the exception that Sections 4 and 111 be stricken out.

Mr. Strom moved as an amendment to the substitute

To proceed to call the roll on the passage of the substitute as it was amended yesterday,

Which motion was lost.

The question recurring on the substitute motion,

The substitute motion prevailed, and

Mr. Oliver moved

The previous question on the passage of the bill, and

The question being, Shall the main question be now put,

The main question was ordered, and

The question being upon the passage of House Bill No. 225, as printed, with Sections 4 and 111 stricken out,

The roll being called there were ayes 40, nays 21.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,

Messrs—

Farrar,
Fay,
Gill,
Hill,
Holritz,
Horgan,
Lamb,
Loomis,
Loring,
Lutz,

Messrs—

Osgood,
Richie,
Satterlund,
Skinner,
Smith,
Triplett,
Tufts,
Waltou,
Watson,
White,

Messrs—
 Davis,
 Douglas,
 Ebbighausen,
 Erickson,

Messrs—
 McKendry,
 Noltmier,
 Oliver,

Messrs—
 Williams,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Beardsley,
 Brown,
 Dennett,
 Fiske,
 Foss,
 Graber,
 Haight,

Messrs—
 Hall,
 Hanson,
 Havrevold,
 Hodgson,
 Holte,
 Kearney,
 Larson,

Messrs—
 McCulloch,
 Peabody,
 Peterson,
 Strom,
 Thompson,
 Wallen,
 Ward.

Mr. Axvig being absent and not voting.

So the bill passed, but the emergency clause was lost, and
 The title of the bill was agreed to.

Mr. Speaker called Mr. Oliver to the Chair.

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

Resolved, That the pay of the Postmaster of the House be increased
 from \$4 a day to \$5 a day from the day of his election, in view of the fact
 that drayage for mail has been paid by said Postmaster out of his own
 pocket.

Which motion prevailed, and
 The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 March 4, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
 Senate Bill No. 114,

A bill for an act making appropriation for a library in the office
 of the Superintendent of Public Instruction.

Also,
 Senate Bill No. 164,

A bill for an act to make an appropriation for the collection,
 arrangement and display of the products of the State of North
 Dakota at the World's Columbian Exposition of 1893 and to provide
 for the expenses of the State Commission thereof,

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

C. C. BOWSFIELD,
 Secretary.

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal

taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

The consideration of which was temporarily postponed,
Was placed upon its final passage,
The roll being called there were ayes 35, nays 17.

Those who voted in the affirmative were:

Messrs—	Messes—	Messes—
Brown,	Hill,	Richie,
Burton,	Hodgson,	Satterlund,
Cope,	Holritz,	Skinner,
Cunningham,	Kearney,	Smith,
Ebbighansen,	Lamb,	Thompson,
Erickson,	Loomis,	Triplett,
Fay,	Loring,	Tufts,
Fiske,	McCulloch,	Ward,
Gill,	Noltimier,	Watson,
Haight,	Oliver,	Williams,
Hall,	Osgood,	Yegen.
Havrevold,	Peabody,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Daily,	Larson,
Bjornson,	Davis,	McKendry,
Brooke,	Farrall,	Peterson,
Burke,	Graber,	Wallen,
Christianson,	Hanson,	White.
Colosky,	Horgan,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Strom,
Daniel,	Holte,	Walton,
Dennett,	Lutz,	Mr. Speaker.
Douglas,		

Mr. Strom being excused.

So the bill passed and the title was agreed to.

Mr. Foss (by request) offered the following resolution, and moved its adoption:

WHEREAS, Joseph Monrean, janitor of the committee rooms used by the House committees has been faithful and efficient in the discharge of the duties of his position, and the duties of said position requiring him to be on duty from an early hour in the morning until nearly midnight each day; therefore,

Resolved by the House of Representatives, That there be and hereby is appropriated out of any money in the treasury not otherwise appropriated the sum of sixty (60) dollars to pay the said janitor for extra work performed by him.

Which resolution was ruled out of order.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 207, made a special order for 4 o'clock p. m.,

Mr. Gill moved

That the further consideration of House Bill No. 207 be indefinitely postponed.

Mr. Gill moved the previous question upon the motion to indefinitely postpone, and

The question being, Shall the previous question be now put?

Roll call was demanded.

The roll being called there were ayes 29, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hodgson,	Skinner,
Bjornson,	Holte,	Smith,
Burton,	Lamb,	Strom,
Christianson,	Loring,	Thompson,
Davis,	McCulloch,	Tufts,
Dennett,	Noltimier,	Wallen,
Foss,	Oliver,	Ward,
Gill,	Peabody,	Watson,
Hanson,	Peterson,	Mr. Speaker.
Hill,	Richie,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fay,	Loomis,
Brown,	Fiske,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	White,
Ebbighausen,	Kearney,	Williams,
Erickson,	Larson,	Yegen.
Farrah,		

Messrs. Axvig and Douglas being absent and not voting.

And so the motion for the previous question was lost.

Mr. Lutz moved

That the motion to indefinitely postpone be laid upon the table.

Roll call demanded.

The roll being called there were ayes 31, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Fay,	Loomis,
Brown,	Fiske,	Lutz,
Burke,	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	White,
Ebbighausen,	Kearney,	Williams,
Erickson,	Larson,	Yegen.
Farrah,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hill,	Richie,
Bjornson,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Lamb,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Douglas,	Noltmier,	Wallen,
Foss,	Oliver,	Ward,
Gill,	Peabody,	Watson,
Hanson,	Peterson,	Mr. Speaker.

Mr. Axvig being absent and not voting.

So the motion to indefinitely postpone was laid upon the table.

Mr. Lutz moved

To adopt the pending amendments to House Bill No. 207 as printed in the Journal of the fifty-seventh day.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 4, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 202,

A bill for an act to repeal all special and private laws pertaining to the organization and government of independent school districts, except the laws pertaining to certain independent school districts that are at present operating under the provisions of special laws,

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

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 229,

A bill for an act to amend Paragraph 5 of Article 7, Chapter 9, of the Political Code, Compiled Laws of 1887, relating to specific powers of the board of county commissioners,

Also,

House Bill No. 252,

A bill for an act providing for the appointment of notaries public, and providing a penalty for violation thereof,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Speaker announced his signature to
Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.

Mr. Hill moved

That the further consideration of the subject matter be indefinitely postponed.

Roll call demanded,

The roll being called there were ayes 30, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hanson,	Richie,
Bjornson,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Davis,	Loring,	Thompson,
Dennett,	McCulloch,	Tufts,
Douglas,	Noltmier,	Wallen,
Fiske,	Oliver,	Ward,
Foss,	Peabody,	Watson,
Gill,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Loomis,
Brown,	Fay,	Lutz,
Burke,]	Graber,	McKendry,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Satterlund,
Cunningham,	Havrevold,	Triplett,
Daily,	Holritz,	Walton,
Daniel,	Horgan,	White,
Ebbighausen,	Kearney,	Williams,
Erickson,	Larson,	Yegen.

Messrs. Axvig and Lamb being absent and not voting.

So the motion to indefinitely postpone was lost.

Mr. Oliver moved

That House Bill No. 207 and the proposed amendments thereto be made a special order for next Saturday.

Mr. Burke moved

To lay the motion upon the table,
Which motion was lost.

The question recurring upon the motion of Mr. Oliver,
The motion prevailed, and
The bill was made a special order.

Mr. Beardsley moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 25, nays 35.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Brooke,
Cunningham,
Daily,
Daniel,
Ebbighausen,
Erickson,
Farrah,
Graber,

Messrs—

Haight,
Hall,
Havrevold,
Hill,
Holritz,
Lutz,
McKendry,
Satterlund,

Messrs—

Thompson,
Triplett,
Tufts,
Walton,
Ward,
White,
Williams,
Yegen.

Those who voted in the negative were.

Axvig,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Davis,
Dennett,
Fay,
Fiske,

Foss,
Gill,
Hanson,
Hodgson,
Holte,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,

Noltimier,
Oliver,
Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Wallen,
Watson,
Mr. Speaker.

Messrs. Douglas and Osgood being absent and not voting.

And so the motion to adjourn was lost.

Mr. Lutz was excused.

THIRD READING OF SENATE BILLS.

The Committee to whom was referred Senate bills for arrangement in order of their importance made the following report:

MR. SPEAKER:

Your committee to whom was referred a number of Senate bills for arrangement as to order of importance, report the same back to the House with a recommendation that they be considered in the following order, namely:

157, 173, 105, 127, 148, 18, 185, 55, 123, 47, 199, 158, 175, 187, 179, 6, 36, 182, 50, 132, 117, 161, 174, 147, 134, 111, 88, 33, 135, 85, 10, 169, 113, 153, 133, 119, 163, 23, 128, 170, 122, 15, 167, 71, 189, 115, 41, 149, 145, 110, 191, 133, 126, 89, 124, 154, 31, 107, 184, 162, 90, 130, 109, 96, 75, 155, 81, 139, 166, 80, 190.

J. C. GILL,
GEORGE LUTZ,
H. S. OLIVER,
JOHN BURKE,
J. S. RICHIE,
Committee.

Mr. Gill moved
To adopt the report.

Mr. Beardsley moved as a substitute.

That the report be not adopted,
 Which motion was lost, and
 The question recurring upon the original motion,
 The original motion prevailed, and
 The report was adopted.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
 House Bill No. 188,
 A bill for an act to provide for the assessment and taxation of
 railroads and railroad property in the State of North Dakota.
 And find the same correctly engrossed.

JOHN BURKE,
 Chairman.

Senate Bill No. 157,
 A bill for an act to prevent the spread of contagious and infec-
 tious diseases among domestic animals,
 Was read the third time, and
 Mr. Lutz moved
 To amend the bill as follows:
 In line 5, Section 11, after the word "duty" add the words "pro-
 vided such expense shall not exceed \$2,000 in any one year,"
 Which motion prevailed, and
 The bill was so amended.

The question being upon the passage of the bill,
 The roll being called there were ayes 49, nays 3.

Those who voted in the affirmative were:

Messrs—

Beardsley,
 Bjornson,
 Brown,
 Burke,
 Burton,
 Christianson,
 Colosky,
 Cope,
 Cunningham,
 Daniel,
 Davis,
 Dennett,
 Fay,
 Fiske,
 Gill,
 Hall,
 Hanson,

Messrs—

Havrevold,
 Hill,
 Hodgson,
 Holte,
 Holritz,
 Horgan,
 Kearney,
 Larson,
 Loomis,
 Loring,
 Lutz,
 McCulloch,
 McKendry,
 Oliver,
 Osgood,
 Peabody,

Messrs—

Peterson,
 Richie,
 Satterlund,
 Skinner,
 Smith,
 Strom,
 Triplett,
 Tufts,
 Wallen,
 Walton,
 Ward,
 Watson,
 White,
 Williams,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—

Daily,

Messrs—

Douglas,

Messrs—

Lamb.

Absent and not voting:

Messrs—

Axvig,
Brooke,
Ebbighausen,
Erickson,

Messrs—

Farrar,
Foss,
Graber,

Messrs—

Haight,
Noltmier,
Thompson.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Mr. Hill moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1891.

The House assembled at 10 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

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

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

Be it Resolved by the House of Representatives, the Senate Concurring:
That Joint Rule No. 10 be suspended for the purpose of allowing House Bill No. 225 to be transmitted to the Senate.

Roll call demanded.

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Brooke,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Fay,
Fiske,
Foss,
Gill,
Graber,

Messrs—

Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
Noltimier,
Oliver,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Axvig,
Bjornson,
Brown,
Cope,

Messrs—

Daniel,
Farrab,
Hall,
Lutz,

Messrs—

McKendry,
Thompson,
Wallen,
Williams.

Mr. Beardsley voting in the negative.

Mr. Lutz being excused.

And so the motion prevailed, and
The resolution was adopted.

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

Be it Resolved by the House of Representatives, the Senate Concurring:
That joint rule No. 10 be suspended for the purpose of transmitting House Bill No. 188.

Which motion and resolution were withdrawn.

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

Be it resolved by the House of Representatives, the Senate Concurring:
That joint rule No. 10 be suspended for the purpose of allowing the House bills passed yesterday to be transmitted to the Senate.

Roll call demanded.

The roll being called there were ayes 33, nays 15.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Colosky,
Davis,
Erickson,
Fiske,

Messrs—

Foss,
Gill,
Hanson,
Hill,
Hodgson,
Holte,
Larson,
Loomis,
Loring,
Noltmier,
Osgood,

Messrs—

Peabody,
Peterson,
Skinner,
Smith,
Strom,
Triplett,
Tufts,
Wallen,
Watson,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brown,
Cunningham,
Daily,
Ebbighausen,
Graber,

Messrs—

Haight,
Hall,
Holritz,
Kearuey,
Lamb,

Messrs—

McKendry,
Satterlund,
Walton,
Ward,
Yegen.

Absent and not voting:

Messrs—

Cope,
Daniel,
Dennett,
Douglas,
Farrab,

Messrs—

Fay,
Havrevold,
Horgan,
Lutz,
McCulloch,

Messrs—

Oliver,
Richie,
Thompson,
Williams.Messrs. Lutz and Thompson being excused.
So the resolution was adopted.

Mr. Brooke moved

That the rules be suspended, and that Senate Bill No. 50 be now placed upon its third reading and final passage.

Mr. Gill moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring upon the original motion,

The motion prevailed, and

Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 38, nays 13.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Dennett,
Douglas,
Ebbighausen,

Messrs—

Fay,
Gill,
Graber,
Haight,
Havrevold,
Hill,
Hodgson,
Horgan,
Kearney,
Larson,
Loomis,
Loring,
McKendry,

Messrs—

Noltmier,
Oliver,
Osgood,
Richie,
Skinner,
Smith,
Triplett,
Tufts,
Walton,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Bjornson,
Davis,
Fiske,
Foss,
Hall,

Messrs—

Hanson,
Holte,
Lamb,
McCulloch,

Messrs—

Peterson,
Satterlund,
Wallen,
Ward.

Absent and not voting:

Messrs—

Cope,
Daniel,
Erickson,
Farrah,

Messrs—

Holritz,
Lutz,
Peabody,
Strom,

Messrs—

Thompson,
Watson,
Williams.

Messrs. Lutz and Thompson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commission thereof,

Was read the first time, and

Mr. Foss moved

That the rules be suspended and that the bill be read the first and second times,

Which motion prevailed, and

Senate Bill No. 164 was read the second time.

Senate Bill No. 114,

A bill for an act making appropriation for a library in the office of the Superintendent of Public Instruction,

Was read the first and second times.

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

Was read the first and second times.

Senate Bill No. 196,

A bill for an act entitled an act regulating the adoption of children,

Was read the first time, and

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed.

Mr. Strom moved

To lay the motion upon the table,

Which motion prevailed, and

Senate Bill No. 196 was read the second time.

Senate Bill No. 195,

A bill for an act granting the right of suffrage to women,

Was read the first and second times.

Mr. Graber moved

That the vote by which the rules were suspended to permit all House bills to be transmitted to the Senate be reconsidered,

Which motion prevailed, and

The question being upon the adoption of the resolution,

The roll being called there were ayes 48, nays 3.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Daily,
Davis,
Dennett,
Douglas,
Ebbighausen,

Messrs—

Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Ward,

Messrs—
Erickson,
Fiske,
Foss,
Gill,

Messrs—
Loring,
McCulloch,
Noltimier,
Oliver,

Messrs—
Watson,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
McKendry,

Messrs—
Satterlund,

Messrs—
Walton.

Absent and not voting:

Messrs—
Brown,
Colosky,
Cope,
Cunningham,

Messrs—
Daniel,
Farrar,
Fay,
Havrevold,

Messrs—
Loomis,
Lutz,
Williams.

Mr. Lutz being excused.

And so the resolution was adopted.

Mr. Beardsley moved

That Senate Bill No. 170 be placed upon its third reading and final passage,

Which motion was lost.

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts," and to provide a fund to reimburse the county for the same,"

Was read the third time, and

Mr. Fay moved

That the further consideration of the bill be indefinitely postponed.

Mr. Gill moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring upon the motion to indefinitely postpone,

The motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

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

The question being upon the passage of the bill,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—
Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,

Messrs—
Graber,
Haight,
Hall,
Hanson,
Havrevold,

Messrs—
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,

Messrs—	Messrs—	Messrs—
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Colosky,	Holritz,	Thompson,
Daily,	Horgan,	Triplett,
Davis,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Larson,	Walton,
Ebbighausen,	Loomis,	Ward,
Erickson,	Loring,	Watson,
Fay,	McCulloch,	White,
Fiske,	McKendry,	Yegen,
Foss,	Noltimier,	Mr. Speaker.
Gill,	Oliver.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Daniel,	Lutz,
Cunningham,	Farrah,	Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Was read the third time, and

Mr. Ebbighausen moved

That the further consideration of the bill be indefinitely postponed.

Mr. Richie moved

To lay the motion upon the table,

Which motion prevailed.

The question being upon the passage of the bill,

The roll being called there were ayes 37, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Holritz,	Skinner,
Burton,	Kearney,	Smith,
Christianson,	Larson,	Strom,
Davis,	Loomis,	Thompson,
Dennett,	Loring,	Triplett,
Erickson,	McKendry,	Tufts,
Fay,	Noltimier,	Wallen,
Fiske,	Oliver,	Walton,
Foss,	Osgood,	Ward,
Gill,	Peabody,	Watson,
Havrevold,	Peterson,	White,
Hill,	Richie,	Mr. Speaker.
Hodgson,		

Those who voted in the negative were:

Messrs—
 Axvig,
 Beardsley,
 Brooke,
 Brown,
 Burke,
 Colosky,
 Cunningham,

Messrs—
 Daily,
 Douglas,
 Ebbighausen,
 Haight,
 Hall,
 Hanson,

Messrs—
 Holte,
 Horgan,
 Lamb,
 McCulloch,
 Satterlund,
 Yegen.

Absent and not voting:

Messrs—
 Cope,
 Daniel,

Messrs—
 Farrah,
 Graber,

Messrs—
 Lutz,
 Williams.

Mr. Lutz being excused.

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

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law,"

Was read the third time, and

Mr. Daily moved

To amend the bill as follows:

That in the first amendment, Section 33, in line 11, the figure "7" be stricken out and the figure "5" be inserted in lieu thereof.

Mr. Gill moved

To lay the amendment upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 14.

Those who voted in the affirmative were:

Messrs—
 Beardsley,
 Bjornson,
 Brown,
 Burke,
 Burton,
 Cunningham,
 Davis,
 Douglas,
 Ebbighausen,
 Erickson,
 Fay,
 Foss,
 Gill,
 Graber,
 Haight,

Messrs—
 Hall,
 Havrevold,
 Hill,
 Holte,
 Holritz,
 Kearney,
 Larson,
 Loomis,
 Loring,
 McKendry,
 Noltimier,
 Osgood,
 Peabody,
 Peterson,

Messrs—
 Richie,
 Satterlund,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Triplett,
 Tufts,
 Wallen,
 Walton,
 Watson,
 White,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Axvig,
 Brooke,
 Christianson,
 Colosky,
 Daily,

Messrs—
 Dennett,
 Fiske,
 Hanson,
 Hodgson,
 Horgan,

Messrs—
 Lamb,
 McCulloch,
 Oliver,
 Ward.

Absent and not voting:

Messrs—

Cope,
Daniel,

Messrs—

Farrar,
Lutz,

Messrs—

Williams.

Mr. Lutz being excused.

So the bill passed, and

The question being upon the title of the bill,
The title was amended to read "Chapter 62."

Mr. Beardsley moved

That the House do now take a recess until 2 o'clock p. m.,
Which motion prevailed, and
The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House reassembled at 2 o'clock p. m.

Mr. McKendry moved

That members be limited to one speech of two minutes on any question,

Which motion prevailed.

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 56, nays 1,

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brown,
Burke,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrar,
Fay,
Fiske,
Foss,

Messrs—

Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
McCulloch,
McKendry,
Noltimier,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Burton,

Messrs—

Loomis,
Lutz,

Messrs—

Oliver.

Mr. Beardsley voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,
Was read the third time and placed upon its final passage.

The question being upon the passage of the bill,

The roll being called there were ayes 51, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hall,	Peabody,
Beardsley,	Hanson,	Peterson,
Bjornson,	Havrevold,	Richie,
Burke,	Hill,	Satterlund.
Burton,	Hodgson,	Skinner,
Colosky,	Holte,	Smith,
Cope,	Holritz,	Strom,
Davis,	Horgan,	Thompson,
Dennett,	Kearney,	Triplett,
Ebbighausen,	Lamb,	Wallen,
Erickson,	Larson,	Walton,
Farrah,	Loomis,	Ward,
Fay,	Loring,	Watson,
Foss,	McCulloch,	White,
Gill,	McKendry,	Williams,
Graber,	Noltimier,	Yegen,
Haight,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Cunningham,	Daniel,
Christianson,	Daily,	Fiske.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Lutz,	Tufts.
Douglas,	Oliver,	

Mr. Lutz being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House concurrent resolution, that the joint rules be suspended for the purpose of transmitting House Bill No. 225 from the House to the Senate.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 55,

A bill for an act entitled an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Was read the third time, and

Mr. Yegen moved

To strike out Section 3,

Which motion was lost.

By unanimous consent, Section 1 of the bill was amended by striking out the words "State's prison" and inserting the words "State penitentiary,"

Which motion prevailed, and

The question being upon the passage of the bill as amended,

The roll being called there were ayes 51, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	McKendry,
Bjornson,	Gill,	Noltimier,
Brown,	Graber,	Osgood,
Burke,	Haight,	Peabody,
Burton,	Hall,	Peterson,
Christianson,	Havrevold,	Richie,
Colosky,	Hill,	Satterlund,
Cope,	Hodgson,	Skinner,
Cunningham,	Holte,	Smith,
Daily,	Holritz,	Strom,
Davis,	Horgan,	Thompson,
Dennett,	Kearney,	Triplett,
Douglas,	Lamb,	Tufts,
Ebbighausen,	Larson,	Walton,
Ericksen,	Loomis,	Watson,
Farrah,	Loring,	Williams,
Fiske,	McCulloch,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daniel,	Wallen,	White,
Fay,	Ward,	Yegen.
Hanson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Lutz,	Oliver.
Brooke,		

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined
House Bill No. 225,

A bill for an act to amend Chapter 122 of the Laws of 1890,
being an act entitled "An Act prescribing the mode of making

assessments and the levy and collection of taxes relative thereto,
And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota."

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

The question being upon the passage of the bill,

The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,

Messrs—

Fay,
Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,

Messrs—

McKendry,
Noltimier,
Osgood,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Tripplett,
Tufts,
Wallen,
Walton,
Ward,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Brooke,
Havrevold,
Lutz,

Messrs—

Oliver,
Peabody,
Satterlund,

Messrs—

Thompson,
Watson.

Mr. Fiske voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof,

Was read the third time, and

Mr. Fiske moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate,"

Was read the third time, and

Mr. Fay moved

To strike out the emergency clause,

Which motion was lost.

The question being upon the passage of the bill,

The roll being called there were ayes 48, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Graber,	Osgood,
Brown,	Haight,	Peabody,
Burke,	Hanson,	Peterson,
Burton,	Hill,	Richie,
Christianson,	Hodgson,	Skinner,
Colosky,	Holte,	Smith,
Cope,	Holritz,	Strom,
Daily,	Kearney,	Thompson,
Daniel,	Lamb,	Triplett,
Davis,	Larson,	Tufts,
Dennett,	Loomis,	Wallen,
Douglas,	Loring,	Walton,
Erickson,	McCulloch,	Ward,
Farrar,	McKendry,	Watson,
Fiske,	Noltmier,	Yegen,
Gill,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fay,	Williams.
Ebbighausen,	White,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Horgan,
Brooke,	Hall,	Lutz,
Cunningham,	Havrevold,	Satterlund.

Mr. Lutz being excused.

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

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 31, nays 26.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Peterson,
Beardsley,	Gill,	Richie,
Brown,	Hall,	Satterlund,
Burke,	Hodgson,	Smith,

Messrs—	Messrs—	Messrs—
Burton,	Holritz,	Thompson,
Colosky,	Kearney,	Tufts,
Daily,	McKendry,	Walton,
Dennett,	Oliver,	Ward,
Douglas,	Osgood,	Watson,
Ebbighausen,	Peabody,	Yegen.
Erickson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Haight,	McCulloch,
Christianson,	Hanson,	Noltimier,
Cope,	Havrevold,	Skinner,
Cunningham,	Hill,	Strom,
Davis,	Holte,	Triplett,
Farrah,	Horgan,	Wallen,
Fay,	Lamb,	White,
Fiske,	Larson,	Mr. Speaker.
Graber,	Loring,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Loomis,	Williams.
Daniel,	Lutz,	

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Was read the third time, and

Mr. McKendry moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,

Was read the third time, and

Mr. Douglas moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question being upon the passage of the bill,

The roll being called there were ayes 33, nays 23.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Axvig,	Haight,	Osgood,
Bjornson,	Hall,	Richie,
Brown,	Hanson,	Satterlund,
Burke,	Hill,	Skinner,

Messrs—	Messrs—	Messrs—
Burton,	Holritz,	Smith,
Colosky,	Kearney,	Tufts,
Dennett,	Lamb,	Ward,
Erickson,	Loring,	Watson,
Fiske,	McKendry,	White,
Gill,	Noltimier,	Yegen,
Graber,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Farrah,	Peabody,
Christianson,	Fay,	Peterson,
Cope,	Foss,	Strom,
Cunningham,	Havrevold,	Thompson,
Daily,	Hodgson,	Triplett,
Davis,	Horgan,	Wallen,
Douglas,	Larson,	Walton.
Ebbighausen,	McCulloch,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Holte,	Lutz,
Daniel,	Loomis,	Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws, Was read the third time, and placed upon its final passage.

The question being upon the passage of the bill,

The roll being called there were ayes 54, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fiske,	Noltimier,
Bjornson,	Gill,	Oliver,
Brown,	Graber,	Osgood,
Burke,	Haight,	Peabody,
Burton,	Hall,	Peterson,
Christianson,	Hanson,	Satterlund,
Colosky,	Havrevold,	Smith,
Cope,	Hodgson,	Strom,
Cunningham,	Holte,	Thompson,
Daily,	Holritz,	Triplett,
Daniel,	Horgan,	Tufts,
Davis,	Kearney,	Wallen,
Dennett,	Lamb,	Walton,
Douglas,	Larson,	Watson,
Ebbighausen,	Loomis,	White,
Erickson,	Loring,	Williams,
Farrah,	McCulloch,	Yegen,
Fay,	McKendry,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Lutz,	Skinner,
Brooke,	Richie,	Ward.
Foss,		

Mr. Hill voting in the negative.

Mr. Lutz being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota.

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

And has passed the bills as so amended.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker called Mr. Gill to the Chair.

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893,

Was read the third time, and

Mr. Oliver moved

That the further consideration of the bill be deferred until Senate Bill No. 113 shall be acted upon,

Which motion was lost.

Mr. Oliver renewed his motion, and

The motion prevailed, and

Action on the bill was deferred until Senate Bill No. 113 shall be acted upon.

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax,

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

The question being upon the final passage of the bill,

The roll being called there were ayes 48, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,

Messrs—

Haight,
Hall,

Messrs—

Peabody,
Peterson,

Messrs—

Bjornson,
Brown,
Burke,
Christianson,
Daily,
Daniel,
Davis,
Dennett,
Ebbighausen,
Farrah,
Fay,
Fiske,
Gill,
Graber,

Messrs—

Hanson,
Havrevold,
Hill,
Holte,
Holritz,
Horgan,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltimier,
Oliver,
Osgood,

Messrs—

Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Triplett,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Williams,
Yegen.

Absent and not voting:

Messrs—

Brooke,
Burton,
Colosky,
Cope,

Messrs—

Cunningham,
Erickson,
Foss,
Hodgson,

Messrs—

Kearney,
Lutz,
White,
Mr. Speaker.

Messrs. Douglas and Lamb voting in the negative.

Mr. Lutz being excused.

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

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of Senate Bill No. 178, made a special order for 3:30 o'clock p. m.,
Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Was read the third time.

Mr. Lamb moved

That the House take a recess of five minutes,

Which motion prevailed, and

The House took a recess.

House reassembled.

Mr. Fay moved

To amend the bill as follows:

Add the following as section 41:

SEC. 41. That the provisions of this act shall only apply to cities, towns and villages having a population of five hundred or over.

That Section 41 of printed bill be numbered 42.

Mr. Burke moved

To lay the amendment upon the table,

Which motion prevailed.

The question being upon the passage of the bill,

The roll being called there were ayes 42, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Peterson,
Beardsley,	Hanson,	Richie,
Bjornson,	Havrevold,	Satterlund,
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Christianson,	Holte,	Strom,
Daily,	Holritz,	Thompson,
Davis,	Lamb,	Tufts,
Dennett,	Loring,	Wallen,
Douglas,	McCulloch,	Walton,
Ebbighausen,	McKendry,	Ward,
Erickson,	Noltimer,	White,
Farrah,	Oliver,	Yegen,
Fiske,	Peabody,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Graber,	Loomis,
Colosky,	Haight,	Osgood,
Cope,	Hall,	Triplett,
Cunningham,	Horgan,	Watson,
Fay,	Kearney,	Williams.
Gill,	Larson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Daniel,	Lutz.

Mr. Lutz being excused.

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

Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

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

The question being upon the passage of the bill,

The roll being called there were ayes 57, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brown,	Haight,	Peterson,
Burke,	Hall,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Havrevold,	Skinner,
Colosky,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daily,	Horgan,	Triplett,
Daniel,	Kearney,	Tufts,
Dennett,	Lamb,	Wallen,
Douglas,	Larson,	Walton,
Ebbighausen,	Loomis,	Ward,
Erickson,	Loring,	Watson,
Farrah,	McCulloch,	White,

Messrs—

Fay,
Fiske,
Foss,

Messrs—

McKendry,
Noltmier,
Oliver,

Messrs—

Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Brooke,

Messrs—

Davis,

Messrs—

Lutz.

Mr. Hill voting in the negative.

Mr. Lutz being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 150,

A bill for an act to provide a Military Code for the State of
North Dakota,

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Foss offered the following resolution and moved its adoption.

Resolved, That the Sergeant-at-Arms and Doorkeeper be paid out of the money appropriated for Legislative expenses; the expense incurred by them in the performance of their duties on February 9 and 10, under call of the House and by direction of the Speaker of the House.

Which motion prevailed, and

The resolution was adopted.

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed,

Was read the third time, and

Mr. Fay moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An Act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Was read the third time and placed upon its final passage,
The question being upon the passage of the bill,
The roll being called there were ayes 55, nays 1.

Those who voted in the affirmative were:

<p>Messrs— Axvig, Beardsley, Bjornson, Brown, Burke, Christianson, Colosky, Cope, Cunningham, Daily, Daniel, Davis, Dennett, Douglas, Farrah, Fay, Fiske, Foss, Gill,</p>	<p>Messrs— Graber, Haight, Hall, Havrevold, Hill, Hodgson, Holte, Holritz, Horgan, Kearney, Lamb, Larson, Loomis, Loring, McKendry, Noltmier, Oliver, Osgood,</p>	<p>Messrs— Peabody, Peterson, Richie, Satterlund, Skinner, Smith, Strom, Thompson, Triplett, Tufts, Wallen, Walton, Ward, Watson, White, Williams, Yegen, Mr. Speaker.</p>
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Absent and not voting:

<p>Messrs— Brooke, Burton,</p>	<p>Messrs— Ebbighausen, Erickson,</p>	<p>Messrs— Hanson, Lutz.</p>
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Mr. McCulloch voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Speaker called Mr. Oliver to the Chair.

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

<p>Messrs— Axvig, Beardsley, Brown, Burke, Burton,</p>	<p>Messrs— Foss, Gill, Graber, Haight, Hall,</p>	<p>Messrs— McKendry, Noltmier, Oliver, Osgood, Peabody,</p>
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Messrs—	Messrs—	Messrs—
Christianson,	Hanson,	Peterson,
Colosky,	Havrevold,	Richie,
Cope,	Hill,	Satterlund,
Cunningham,	Hodgson,	Smith,
Daily,	Holte,	Strom,
Daniel,	Holritz,	Thompson,
Davis,	Horgan,	Tufts,
Dennett,	Kearney,	Wallen,
Douglas,	Lamb,	Walton,
Ebbighausen,	Larson,	Ward,
Erickson,	Loomis,	Williams,
Farrah,	Loring,	Yegen,
Fay,	McCulloch,	Mr. Speaker.
Fiske,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Skinner,	Watson,
Brooke,	Triplett,	White.
Lutz,		

Mr. Lutz being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds issued or assumed by the State or North Dakota.

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

The question being upon the passage of the bill.

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Noltmier,
Bjornson,	Gill,	Oliver,
Brown,	Graber,	Peterson,
Burke,	Haight,	Richie,
Christianson,	Hall,	Satterlund,
Colosky,	Hanson,	Smith,
Cope,	Havrevold,	Strom,
Cunningham,	Hill,	Thompson,
Daily,	Hodgson,	Tufts,
Daniel,	Holritz,	Wallen,
Davis,	Horgan,	Walton,
Dennett,	Kearney,	Ward,
Douglas,	Lamb,	Watson,
Ebbighausen,	Larson,	Williams,
Erickson,	Loring,	Yegen,
Farrah,	McCulloch,	Mr. Speaker.
Fay,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Holte,	Peabody,
Brooke,	Loomis,	Skinner,
Burton,	Lutz,	Triplett,
Foss,	Osgood,	White.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 174.

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection,"

Was read the third time, and

Mr. Graber moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Strom moved

That when the House adjourns, it be to take a recess until 7:30 o'clock p. m.,

Which motion prevailed.

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

Was read the third time, and

Mr. Loring moved

To adopt the report of the committee amending the bill by inserting the words "not otherwise appropriated,"

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 42, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hanson,	Osgood,
Brown,	Havrevold,	Peabody,
Burke,	Hill,	Peterson,
Burton,	Hodgson,	Richie,
Christianson,	Holte,	Skinner,
Colosky,	Holritz,	Smith,
Cope,	Kearney,	Strom,
Davis,	Larson,	Thompson,
Dennett,	Loomis,	Wallen,
Erickson,	Loring,	Walton,
Farrar,	McCulloch,	Ward,
Pay,	McKendry,	White,
Fiske,	Noltmier,	Yegen,
Gill,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Daily,	Ebbighausen,	Hall,
Daniel,	Graber,	Horgan,
Douglas,	Haight,	Lamb.

Absent and not voting:

Messrs—

Axvig,
Bjornson,
Brooke,
Cunningham,

Messrs—

Foss,
Lutz,
Satterlund,
Triplett,

Messrs—

Tufts,
Watson,
Williams.

Mr. Lutz being excused.

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

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions.

Mr. Speaker announced his signature to
Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890.

Also,

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,

House bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Was read the third time, and

Mr. Fay moved

To amend by striking out the words "state's prison" and inserting the words "State Penitentiary."

Mr. Graber moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question recurring upon the motion Mr. Fay,

The motion was lost.

The question being upon the passage of the bill,

The roll being called there were ayes 9, nays 44.

Those who voted in the affirmative were:

Messrs—
Bjornson,
Daily,
Daniel,

Messrs—
Douglas,
Gill,
Osgood,

Messrs—
Ruchie,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Axvig,
Beardsley,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Davis,
Dennett,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,
Foss,

Messrs—
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
McCulloch,

Messrs—
McKendry,
Oliver,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Yegen.

Absent and not voting:

Messrs—
Brooke,
Brown,
Burke,

Messrs—
Loomis,
Lutz,
Noltimier,

Messrs—
Triplett,
Watson,
Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Was read the third time, and

Mr. Burton moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question being upon the passage of the bill,

Mr. Burke moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 88,

A bill for an act relating to registering of county warrants and duty of the county treasurer relating thereto,

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

The question being upon the passage of the bill,

The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burke,
Burton,
Christianson,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fay,
Fiske,
Foss,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltmier,

Messrs—

Oliver,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen.

Absent and not voting:

Messrs—

Brooke,
Brown,
Colosky,

Messrs—

Cope,
Erickson,
Lutz,

Messrs—

Triplett,
Williams,
Mr. Speaker.

Mr. Cunningham voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the third time, and

Mr. Osgood moved

That the further consideration of the bill be indefinitely postponed.

Mr. Peterson moved

To lay the motion upon the table,

Which motion prevailed, and

The question being upon the passage of the bill,

The roll being called there were ayes 34, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hanson,	Oliver,
Burke,	Hill,	Peabody,
Burton,	Hodgson,	Peterson,
Christianson,	Holte,	Richie,
Colosky,	Holritz,	Satterlund,
Daniel,	Lamb,	Strom,
Davis,	Larson,	Thompson,
Dennett,	Loring,	Wallen,
Erickson,	McCulloch,	Ward,
Farrah,	McKendry,	Yegen,
Fiske,	Noltimier,	Mr. Speaker.
Foss,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dail,	Horgan,	Smith,
Fay,	Kearney,	Tufts,
Gill,	Loomis,	Walton,
Graber,	Osgood,	Watson,
Haight,	Skinner,	Williams.
Hall,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Cope,	Havrevold,
Beardsley,	Cunningham,	Lutz,
Brooke,	Douglas,	Triplett,
Brown,	Ebbighausen,	White.

Mr. Lutz being excused.

So the bill passed, but the emergency clause was lost, and

The title was agreed to.

Mr. Burke offered the following resolution:

Be it Resolved by the House of Representatives of the Second Legislative Assembly of the State of North Dakota:

That E. R. Kennedy, Messenger of the House, be paid out of the fund provided for expenses of said Legislature for extra expense incurred while acting as Messenger for said House, to-wit, expense of bringing bills and Journals to capitol, \$5.50.

Mr. Daniel moved
To adopt the resolution,
Which motion was lost, and
The resolution was lost.

Mr. Daily moved
That the House do now take a recess until 7:30 o'clock p. m.,
Which motion prevailed, and
The House took a recess until 7:30 o'clock p. m.

EVENING SESSION.

The House re-assembled at 7:30 o'clock p. m.

Mr. Cope moved
That Senate Bills No. 107 and 170 be now placed upon their
third reading and final passage,
Which motion prevailed.

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of desti-
tute persons in North Dakota,

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

The question being upon the passage of the bill,
The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Brown,	Hanson,	Richie,
Burke,	Havrevold,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Hodgson,	Smith,
Cope,	Holte,	Strom,
Cunningham,	Holritz,	Thompson,
Daily,	Kearney,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loomis,	Ward,
Douglas,	Loring,	Watson,
Erickson,	McCulloch,	White,
Fay,	McKendry,	Yegen,
Fiske,	Noltimer,	Mr. Speaker.
Foss,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Farrah,	Lutz,
Colosky,	Hall,	Triplett,
Ebbighausen,	Horgan,	Williams.

Mr. Lutz being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 177

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor, Which the Senate has passed with the following amendments:

That the word "supreme" in line 3, Section 5, be stricken out and the word "district" inserted in lieu thereof.

That the words from and including the word "and" in line 5 of Section 5 of said bill to the end of said section be stricken out and the words "and the proceedings on such appeals shall be the same as now or may hereafter be provided for appeals from judgments of justice of the peace to the district court" be added in lieu thereof.

That Section 11 of said bill be stricken out.

That Sections 12, 13 and 14 in said bill be amended to be Sections 11, 12 and 13, respectively.

And your concurrence therein is respectfully requested.

Also,

Substitute for House Bill No. 134,

A bill for an act entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer,

Which the Senate passed with the following amendments:

That Section 2 be inserted, amending Section 7, of Chapter 183, so that it reads as follows:

SEC. 7. Every State officer required by Section 84 of the Constitution of this State to cover into the State treasury all fees and profits arising from said offices shall keep a record of all such fees or profits in a book kept for that purpose, which book shall be the property of the State. They shall report to the State Treasurer quarterly, the amount of fees or profits received, verified by oath, and at the same time pay the amount of such fees or profits into the treasury, taking duplicate receipts therefor, one of which shall be filed with the State Auditor forthwith, and the Auditor shall charge the Treasurer with the amount thereof.

And your concurrence therein is respectfully requested.

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same.

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

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

The question being upon the passage of the bill,
The roll being called there were ayes 33, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hanson,	Richie,
Brown,	Havrevold,	Satterlund,
Burton,	Hill,	Skinner,
Christianson,	Holritz,	Strom,
Colosky,	Larson,	Thompson,
Cope,	Loomis,	Tufts,
Cunningham,	Loring,	Wallen,
Dennett,	McKendry,	Walton,
Erickson,	Oliver,	White,
Fay,	Osgood,	Yegen,
Gill,	Peabody,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Lamb,
Bjornson,	Graber,	McCulloch,
Burke,	Haight,	Noltmier,
Daniel,	Holte,	Peterson,
Douglas,	Horgan,	Smith.
Fiske,	Kearney,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Farrar,	Triplet,
Daily,	Hall,	Ward,
Davis,	Hodgson,	Watson,
Ebbighausen,	Lutz,	Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Richie moved

That the House concur in the Senate amendments to Substitute for House Bill No. 134,

Which motion prevailed, and

The question being upon the passage of
Substitute for House Bill No. 134,

A bill for an act to provide for a system of accounts for the
State Auditor and State Treasurer,

As amended by the Senate,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Graber,	Osgood,
Beardsley,	Haight,	Peabody,
Bjornson,	Hanson,	Peterson,
Brooke,	Havrevold,	Richie,
Brown,	Hill,	Satterlund,
Burke,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Christianson,	Holritz,	Strom,
Colosky,	Horgan,	Thompson,
Daily,	Kearney,	Tufts,

Messrs—

Daniel,
Davis,
Douglas,
Erickson,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltmier,
Oliver,

Messrs—

Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Cope,
Cunningham,
Dennett,

Messrs—

Ebbighausen,
Farrah,
Hall,

Messrs—

Lutz,
Triplett.

Mr. Lutz being excused.

So the bill as amended by the Senate passed and the title was agreed to.

Mr. Oliver moved

That the House concur in the Senate amendments to House Bill No. 177,

Which motion prevailed, and

The question being upon the passage of House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor,

As amended by the Senate,

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Douglas,
Erickson,
Fay,
Gill,
Graber,

Messrs—

Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltmier,
Oliver.

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Beardsley,
Cope,
Dennett,
Ebbighausen,

Messrs—

Farrah,
Fiske,
Foss,
Hall,

Messrs—

Lutz,
Triplett,
Walton.

Mr. Lutz being excused.

So the bill as amended by the Senate passed and the title was agreed to.

Mr. Brooke moved

That the vote by which Senate Bill No. 33 was passed be reconsidered.

Mr. Oliver moved

To lay the motion upon the table,
Which motion prevailed.

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 2.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
McCulloch,
McKendry,
Noltmier,

Messrs—

Osgood,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Cope,
Cunningham,
Ebbighausen,
Farrah,

Messrs—

Foss,
Hall,
Holritz,
Loomis,

Messrs—

Lutz,
Tripplett,
Williams.

Messrs. Oliver and Richie voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Foss moved

To take up Senate Bill No. 71,
Which motion was lost.

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

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

The question being upon the passage of the bill,
The roll being called there were ayes 25, nays 30.

Those who voted in the affirmative were:

<p>Messrs— Brooke, Brown, Burke. Burton, Christianson, Cunningham, Daily, Daniel, Davis,</p>	<p>Messrs— Dennett, Douglas, Erickson, Fiske, Gill, Hill, Horgan, Lamb,</p>	<p>Messrs— Larson, McCulloch, McKendry, Noltmier, Richie, Tufts, Walton, White.</p>
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Those who voted in the negative were:

<p>Messrs— Beardsley, Bjornson, Colosky, Cope, Fay, Foss, Graber, Haight, Hanson, Havrevold,</p>	<p>Messrs— Hodgson, Holte, Holritz, Kearney, Loomis, Loring, Oliver, Osgood, Peterson, Satterlund,</p>	<p>Messrs— Skinner, Smith, Strom, Thompson, Wallen, Ward, Watson, Williams, Yegen, Mr. Speaker.</p>
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Absent and not voting:

<p>Messrs— Axvig, Ebbighausen, Farrah,</p>	<p>Messrs— Hall, Lutz,</p>	<p>Messrs— Peabody, Triplett.</p>
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Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 147, and has passed the bill as so amended.

Also, to transmit herewith
House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,
Which the Senate has passed unchanged.

Also,

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Which the Senate has passed with the following amendment:

Amend Section 10, after the words "shall be payable," and before the words "from the Interest and Income Fund," insert the words "in twenty years from date of issue,"

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. White moved

That the House concur in the Senate amendments of House Bill No. 191,

Which motion prevailed, and

The question being upon the passage of House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

As amended by the Senate;

The roll being called there were ayes 40, nays 5.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Burke,
Burton,
Christianson,
Cope,
Cunningham,
Daily,
Davis,
Dennett,
Erickson,
Fay,
Gill,
Graber,

Messrs—

Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Larson,
Loomis,
Loring,
McKendry,
Osgood,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Axvig,
Douglas,

Messrs—
Fiske,
Kearney,

Messrs—
Lamb.

Absent and not voting:

Messrs—
Beardsley,
Brown,
Colosky,
Daniel,
Ebbighausen,
Farrah,

Messrs—
Foss,
Hall,
Lutz,
McCulloch,
Noltmier,
Oliver,

Messrs—
Peabody,
Triplett,
Ward,
Watson,
Williams.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 157, and passed the same as amended.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code entitled "Incorporations of Towns and Cities,"

Was read the third time, and

Mr. Daily moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws,

Was read the third time, and

Mr. Beardsly moved

That the further consideration of the bill be indefinitely postponed.

Mr. Dennett moved

To lay the motion upon the table,

Which motion was lost.

The question recurring upon the motion to indefinitely postpone,

The motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 113.

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Was read the third time, and

Mr. Fiske moved

That the further consideration of the bill be indefinitely postponed.

Mr. Burke moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring upon the motion to indefinitely postpone,

Roll call was demanded.

The roll being called there were ayes 24, nays 24.

Those who voted in the affirmative were:

Messrs—	Messes—	Messrs—
Axvig,	Hanson,	Noltimier,
Bjornson,	Hodgson,	Peabody,
Burton,	Holte,	Peterson,
Christianson,	Kearney,	Thompson,
Davis,	Lamb,	Wallen,
Dennett,	Larson,	Ward,
Fiske,	Loring,	Yegen,
Foss,	McCulloch,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Erickson,	Osgood,
Brown,	Farrah,	Satterlund,
Burke,	Haight,	Skinner,
Colosky,	Havrevold,	Smith,
Cunningham,	Horgan,	Walton,
Daily,	Loomis,	Watson,
Daniel,	McKendry,	White,
Douglas,	Oliver,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Graber,	Richie,
Cope,	Hall,	Strom,
Ebbighausen,	Hill,	Triplett,
Fay,	Holritz,	Tufts.
Gill,	Lutz,	

Mr. Lutz being excused.

So the motion to indefinitely postpone was lost.

Mr. Loomis moved

That the bill be made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

Which the Senate has passed unchanged.

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota,

Which the Senate has passed with the following amendments:

Amend by striking out in line 25 of said bill the words "two and one-half dollars" and inserting in lieu thereof the words "three dollars."

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Which the Senate has passed with the following amendments:

Whereas an emergency exists, in that it is necessary to publish documents of importance prior to July 1, 1891, therefore this bill shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires,

Which the Senate has passed with the following amendment:

Add after the title of office "Commissioner of Agriculture" the words "and Labor" wherever the same occurs in the bill.

In line 31, in written bill, before the word "said," add the words "county or counties;" and, in same line, strike out the words "another copy," and substitute the words "other copies."

On page 2, line 1, strike out the letter "a" between "in" and "conspicuous;" and, in same line, strike out the word "place," and substitute the word "places."

In Section 3, line 5, after the word "get," and before the word "provided," insert the words "and said lien shall have priority over any or all other liens, chattel mortgages, or other incumbrances, upon the offspring of the female served."

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by guaranty companies,

Was partially read the third time, and

Mr. White moved

That the further consideration of the bill be indefinitely postponed.

Mr. Gill presented the following petition:

To the Legislative Assembly of the State of North Dakota:

Your petitioners, residents of the State of North Dakota, do hereby petition your honorable bodies that you favorably consider and pass Senate Bill No. 153, entitled "A bill for an act providing for the execution of bonds and undertakings by general guaranty companies," hereby representing to your honorable bodies that in our opinion the bill is meritorious and will tend to provide for the public greater security against loss by the acts of officials.

JOHN WOODWARD,
and 56 others.

The question being upon the motion to indefinitely postpone,

The motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Gill moved

That the House concur in the Senate amendments to House Bill No. 197,

Which motion prevailed, and

The question being upon the passage of,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota,

As amended by the Senate,

The roll being called there were ayes 46, nays 3.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Fay,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Lamb,
Loomis,
McCulloch,
McKendry,
Noltmier,
Oliver,

Messrs—

Osgood,
Peterson,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Cunningham,

Messrs—
Farrah,

Messrs—
Kearney.

Absent and not voting:

Messrs—
Beardsley,
Brooke,
Cope,
Ebbighausen,
Erickson,

Messrs—
Hall,
Larson,
Loring,
Lutz,

Messrs—
Peabody,
Richie,
Satterlund,
Triplett.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, and the title was agreed to.

Mr. Hill moved

That the House concur in the Senate amendments to House Bill No. 158,

Which motion prevailed, and

The question being upon the passage of House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

As amended by the Senate,

The roll being called there were ayes 43, nays 6.

Those who voted in the affirmative were:

Messrs—
Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Davis,
Dennett,
Douglas,
Fay,
Fiske,
Gill,

Messrs—
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Lamb,
Larson,
Loring,
McCulloch,
McKendry,
Noltimier,

Messrs—
Osgood,
Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Wallen,
Walton,
Watson,
White,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Cunningham,
Daily,

Messrs—
Farrah,
Kearney,

Messrs—
Ward,
Yegen.

Absent and not voting:

Messrs—
Cope,
Daniel,
Ebbighausen,
Erickson,
Foss,

Messrs—
Hall,
Horgan,
Loomis,
Lutz,

Messrs—
Oliver,
Richie,
Triplett,
Tufts.

Mr. Lutz being excused.

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

Mr. Dennett moved

That the House concur in the Senate amendments to House Bill No. 100,

Which motion prevailed, and

The question being upon the passage of House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires,

As amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Davis,
Dennett,
Douglas,
Farrah,
Fiske,
Foss,
Gill,

Messrs—

Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loring,
McCulloch,
Noltmier,
Osgood,

Messrs—

Peabody,
Peterson,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Cope,
Cunningham,
Daily,
Daniel,
Ebbighausen,

Messrs—

Erickson,
Fay,
Hall,
Loomis,
Lutz,

Messrs—

McKendry,
Oliver,
Richie,
Triplett,
Tufts.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, more than two-thirds of the members present and voting, voting therefor, and

The title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life, endowment and casualty insurance companies, corpora-

tions and societies other than co-operative or assessment life, endowment or casualty association or societies,

Which the Senate has passed with the following amendments:

Amend the title by striking out the word "endowment" where it appears therein, and insert the word "and" after the word "endowment" where it appears the second time, and strike out the word "or."

In line 9, section 2, strike out the word "unless."

In line 3, Section 12, strike out all after the word "force", and strike out all of line 4, except the last word "The."

In line 6, Section 12, between the words "company" and "should" insert the words "or the insurance officer of the state in which said company is located."

In line 2, Section 24, strike out the word "district" and insert the word "States."

In line 1, Section 17, insert after the word "company," the words "corporation or society."

And your concurrence therein is respectfully requested.

Also,

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the General School Laws, and for the repeal of certain laws providing for independent districts.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

Which the Senate has passed unchanged.

Also,

House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident therein," and to repeal Section 12 of the same act.

Which the Senate has passed with the following amendments:

Strike out in lines 31 and 32 of Section 2 of said bill the words "to pay the debt aforesaid."

Also, change Section 4 to Section 3, and Section 5 to Section 4.

And you concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Gill moved

That the House concur in the Senate amendments to House Bill No. 64,

Which motion prevailed, and

The question being shall

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations

or societies, other than co-operative or assessment life endowment or casualty associations or societies.

Pass as amended by the Senate,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Osgood,
Beardsley,	Gill,	Peabody,
Bjornson,	Grabber,	Peterson,
Brooke,	Haight,	Satterlund,
Brown,	Hanson,	Skinner,
Burke,	Havrevold,	Smith,
Burton,	Hill,	Strom,
Christianson,	Hodgson,	Thompson,
Cope,	Holte,	Wallen,
Cunningham,	Holritz,	Walton,
Daily,	Horgan,	Ward,
Daniel,	Kearney,	Watson,
Davis,	Lamb,	White,
Dennett,	Larson,	Williams,
Douglas,	Loring,	Yegen,
Farrah,	McCulloch,	Mr. Speaker.
Fay,	Noltimier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colosky,	Hall,	Oliver,
Ebbighausen,	Loomis,	Richie,
Erickson,	Lutz,	Triplett,
Foss,	McKendry,	Tufts.

Mr. Lutz being excused.

So the bill passed as amended by the Senate, and the title was agreed to.

Mr. Strom moved

That the House concur in the Senate amendments to House Bill No. 113,

Which motion prevailed, and

The question being upon the passage of House Bill No. 113.

A bill for an act to repeal Section 12 of an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," Chapter 152, Laws of 1890,

As amended by the Senate,

The roll being called there were ayes 46, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Grabber,	McKendry,
Bjornson,	Haight,	Noltimier,
Brooke,	Hanson,	Oliver,
Brown,	Havrevold,	Osgood,
Burke,	Hill,	Peabody,
Burton,	Hodgson,	Satterlund,
Christianson,	Holte,	Skinner,

Messrs—

Colosky,
Daniel,
Davis,
Dennett,
Douglas,
Farrah,
Fay,
Foss,
Gill,

Messrs—

Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,

Messrs—

Smith,
Strom,
Thompson,
Wallen,
Ward,
Watson,
White,
Yegen.

Absent and not voting:

Messrs—

Beardsley,
Cope,
Cunningham,
Ebbighausen,
Erickson,

Messrs—

Fiske,
Hall,
Lutz,
Peterson,
Richie,

Messrs—

Triplett,
Tufts,
Walton,
Williams.
Mr. Speaker.

Mr. Daily voting in the negative.

Mr. Lutz being excused.

So the bill as amended by the Senate passed and the title was agreed to.

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877,

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

The question being upon the passage of the bill,

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Cope,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Farrah,
Fay,
Foss,

Messrs—

Fiske,
Gill,
Graber,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry.

Messrs—

Noltmier,
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Wallen,
Walton,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,
Cunningham,
Ebbighausen,
Erickson,
Haight,

Messrs—

Hall,
Havrevold,
Lutz,
Oliver,
Triplett,

Messrs—

Tufts,
Ward,
Watson,
Williams.

Mr. Lutz being excused.

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

Mr. Daily moved

That the further consideration of Senate Bill No. 119 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

Was read the third time, and

Mr. Graber moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays 6.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Fay,
Foss.

Messrs—

Gill,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Noltmier,
Olver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Cunningham,
Daily,

Messrs—

Farrar,
Fiske,

Messrs—

Graber,
Horgan.

Absent and not voting:

Messrs—

Ebbighausen,
Hall,

Messrs--

Holte,
Lutz,

Messrs—

Triplett,
White.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 March 5, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
 House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds and prescribing penalties therefor, and for the repeal of an act entitled "An Act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and an act entitled "An Act to amend Section 1, General Laws of 1885, Supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890,

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance,

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
 Secretary.

Mr. Burke moved

That the vote by which Senate Bill No. 119 was indefinitely postponed be reconsidered,

Which motion was ruled out of order.

Senate Bill No. 23,

A bill for an act to provide for a Board of State canvassers,
 Was read the third time and placed upon its final passage.

The question being upon the final passage of the bill,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—

Axvig,
 Beardsley,
 Bjornson,

Messrs—

Fay,
 Fiske,
 Gill,

Messrs—

McKendry,
 Noltmier,
 Oliver,

Messrs—

Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Farral,

Messrs—

Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,

Messrs—

Peabody,
Peterson,
Richie,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Ebbighausen,
Foss,
Hall,

Messrs—

Lutz,
Osgood,
Satterlund,

Messrs—

Triplet,
Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An Act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100,"

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

The question being upon the passage of the bill,
The roll being called there were ayes 17, nays 36.

Those who voted in the affirmative were:

Messrs—

Brown,
Daily,
Gill,
Hodgson,
Holritz,
Loring,

Messrs—

Noltimier,
Oliver,
Peabody,
Richie,
Satterlund,
Skinner,

Messrs—

Smith,
Tufts,
Walton,
Watson,
Yegen.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daniel,
Davis,
Douglas,

Messrs—

Erickson,
Fay,
Fiske,
Foss,
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Holte,
Horgan,
Kearney,

Messrs—

Lamb,
Larson,
Loomis,
McCulloch,
Osgood,
Peterson,
Strom,
Thompson,
Wallen,
Ward,
White,
Mr. Speaker.

Absent and not voting:

Messrs—
Brooke,
Dennett,
Ebbighausen,

Messrs—
Farrah,
Hall,
Lutz,

Messrs—
McKendry,
Triplett,
Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

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

The question being upon the passage of the bill.

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cope,
Cunningham,
Daily,
Daniel,
Dennett,
Douglas,
Farrah,
Fay,
Fiske,
Gill,

Messrs—
Graber,
Haight,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McKendry,
Noltmier,
Oliver,

Messrs—
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—
Axvig,
Bjornson,
Davis,
Ebbighausen,

Messrs—
Erickson,
Foss,
Hall,
Lutz,

Messrs—
McCulloch,
Triplett,
Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections,

Was read the third time,

Mr. Oliver moved

That Senate Bill No. 15 be passed for the present,

Which motion prevailed.

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto,

Was read the third time and placed upon its final passage.
The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Haight,	Osgood,
Brooke,	Hanson,	Peabody,
Brown,	Havrevold,	Peterson,
Burke,	Hill,	Richie,
Burton,	Hodgson,	Satterlund,
Christianson,	Holte,	Skinner,
Colosky,	Holritz,	Smith,
Cope,	Horgan,	Strom,
Daniel,	Kearney,	Thompson,
Davis,	Lamb,	Tufts,
Dennett,	Larson,	Wallen,
Erickson,	Loomis,	Walton,
Farrah,	Loring,	Ward,
Fay,	McCulloch,	Watson,
Fiske,	McKendry,	White,
Foss,	Noltimier,	Yegen,
Gill,	Oliver,	Mr. Speaker.
Graber,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Douglas,	Lutz,
Bjornson,	Ebbighausen,	Tripplett,
Cunningham,	Hall,	Williams.
Daily,		

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 71,

A bill for an act to amend subdivisions *e, f* and *g* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

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

The question being upon the passage of the bill,

The roll being called there were ayes 47, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Peabody,
Bjornson,	Foss,	Peterson,
Brooke,	Graber,	Richie,
Brown,	Haight,	Satterlund,
Burke,	Hanson,	Skinner,
Burton,	Havrevold,	Smith,
Christianson,	Hill,	Strom,
Colosky,	Hodgson,	Thompson,
Cunningham,	Holte,	Tufts,
Daily,	Horgan,	Wallen,
Daniel,	Lamb,	Walton,
Davis,	Larson,	Ward,
Dennett,	Loring,	Watson,
Douglas,	McCulloch,	Williams,
Erickson,	Noltimier,	Mr. Speaker.
Fay,	Osgood,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Hall,	Oliver,
Cope,	Holritz,	Triplett,
Ebbighausen,	Loomis,	White,
Farrah,	Lutz,	Yegen.
Gill,	McKendry,	

Mr. Kearney voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63 of the General Laws of 1883,

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

The question being upon the passage of the bill,

The roll being called there were ayes 39, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hill,	Satterlund,
Beardsley,	Hodgson,	Skinner,
Bjornson,	Holte,	Smith,
Brooke,	Holritz,	Strom,
Brown,	Kearney,	Thompson,
Burke,	Loomis,	Tufts,
Christianson,	Loring,	Wallen,
Colosky,	McKendry,	Walton,
Davis,	Noltmier,	Ward,
Dennett,	Osgood,	Watson,
Fiske,	Peabody,	White,
Gill,	Peterson,	Yegen,
Haight,	Richie,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burton,	Erickson,	Horgan,
Cunningham,	Farrah,	Lamb,
Dail,	Fay,	Larson,
Douglas,	Graber,	McCulloch.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Hall,	Oliver,
Daniel,	Hanson,	Triplett,
Ebbighausen,	Havrevold,	Williams.
Foss,	Lutz,	

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Peterson moved

That the House do now consider Senate Bill No. 15,

Which motion prevailed, and

Senate Bill No. 15,

A bill for an act to provide further protection and regulation of primary elections,

Was partially read the third time, and

Mr. Burke moved

That the further consideration of the bill be indefinitely postponed.

Mr. Peterson moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 24, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Richie,
Bjornson,	Hill,	Satterlund,
Burton,	Hodgson,	Smith,
Davis,	Holte,	Strom,
Dennett,	Lamb,	Tufts,
Fiske,	McCulloch,	Wallen,
Foss,	Peabody,	Watson,
Gill,	Peterson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fay,	McKendry,
Brooke,	Graber,	Noltmier,
Brown,	Haight,	Osgood,
Burke,	Havrevold,	Skinner,
Christianson,	Holritz,	Thompson,
Colosky,	Horgan,	Walton,
Cunningham,	Kearney,	Ward,
Daily,	Larson,	White,
Daniel,	Loomis,	Williams,
Erickson,	Loring,	Yegen.
Farrah,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Hall,	Oliver,
Douglas,	Lutz,	Triplett.
Ebbighausen,		

Mr. Lutz being excused.

So the motion to lay upon the table was lost.

The question recurring upon the motion to indefinitely postpone,

The motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the third time, and

Mr. Daily moved

That the further consideration of Senate Bill No. 115 be indefinitely postponed,

Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

The Speaker announced an informal recess.

House re-assembled.

The Speaker called Mr. Oliver to the Chair.

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91,
General Laws of 1890, relating, to marriage license,
Was read the third time, and placed upon its final passage.

The question being upon the passage of the bill,

The roll being called there were ayes 28, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Havrevold,	Peabody,
Brown,	Hill,	Peterson,
Burke,	Hodgson,	Richie,
Daily,	Holritz,	Skinner,
Daniel,	Lamb,	Smith,
Davis,	Loring,	Strom,
Erickson,	McCulloch,	Thompson,
Farrah,	Oliver,	Wallen,
Gill,	Osgood,	Ward.
Haight,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Loomis,
Cunningham,	Graber,	McKendry,
Dennett,	Holte,	Walton,
Douglas,	Horgan,	White,
Fiske,	Larson,	Yegen.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Fay,	Satterlund,
Brooke,	Hall,	Triplett,
Burton,	Hanson,	Tufts,
Christianson,	Kearney,	Watson,
Colosky,	Lutz,	Williams,
Cope,	Noltimier,	Mr. Speaker.
Ebbighausen,		

Mr. Lutz being excused.

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

Mr. Strom moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1891.

The House assembled at 10 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Cope, Lutz and Triplett. Mr. Lutz being excused.

THIRD READING OF SENATE BILLS.

The House passed to the third reading of Senate bills.

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887,

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

The question being upon the passage of the bill,

The roll being called there were ayes 4, nays 46.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Christianson,	Wallen,	Watson.
Dennett,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	McCulloch,
Beardsley,	Graber,	McKendry,
Bjornson,	Hall,	Noltimier,
Brown,	Hanson,	Oliver,
Burke,	Havrevold,	Osgood,
Burton,	Hill,	Peabody,
Colosky,	Hodgson,	Peterson,
Cunningham,	Holte,	Satterlund,
Dail,	Holritz,	Skinner,
Daniel,	Horgau,	Smith,
Davis,	Kearney,	Strom,
Ebbighausen,	Lamb,	Thompson,
Erickson,	Larson,	Ward,
Farrah,	Loomis,	Yegen,
Fay,	Loring,	Mr. Speaker.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brooke,	Haight,	Tufts,
Cope,	Lutz,	Walton,
Douglas,	Richie,	White,
Fiske,	Triplett,	Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts, and provide a fund to reimburse the county for same,"

Was read the third time.

Mr. Daily moved

That the further consideration of the bill be indefinitely postponed.

Mr. Strom moved

To lay the motion upon the table,

Which motion prevailed, and

The question being upon the passage of the bill,

The roll being called there were ayes 25, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hill,	Satterlund,
Brown,	Hodgson,	Skinner,
Burton,	Larson,	Strom,
Christianson,	Loring,	Thompson,
Colosky,	McCulloch,	Wallen,
Davis,	Oliver,	Ward,
Dennett,	Osgood,	Yegen,
Foss,	Peterson,	Mr. Speaker.
Hanson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Farrah,	Horgan,
Bjornson,	Fay,	Kearney,
Brooke,	Gill,	Lamb,
Burke,	Graber,	Loomis,
Cunningham,	Haight,	McKendry,
Daily,	Hall,	Noltmier,
Daniel,	Holte,	Smith,
Ebbighausen,	Holritz,	Watson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Lutz,	Tufts,
Douglas,	Peabody,	Walton,
Erickson,	Richie,	White,
Fiske,	Triplett,	Williams.
Havrevold,		

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of the Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 12, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	Lamb,
Bjornson,	Graber,	McCulloch,
Daily,	Haight,	Noltmier,
Ebbighausen,	Horgan,	Mr. Speaker.
Farrah,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Hanson,	Osgood,
Brown,	Havrevold,	Peabody,
Burke,	Hill,	Peterson,
Christianson,	Hodgson,	Satterlund,
Colosky,	Holte,	Skinner,
Cunningham,	Holritz,	Smith,
Davis,	Kearney,	Strom,
Erickson,	Larson,	Thompson,
Fay,	Loomis,	Ward,
Fiske,	Loring,	Watson,
Gill,	McKendry,	Yegen.
Hall,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Douglas,	Wallen,
Burton,	Lutz,	Walton,
Cope,	Richie,	White,
Daniel,	Triplett,	Williams.
Dennett,	Tufts,	

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions,

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

The question being upon the passage of the bill,

The roll being called there were ayes 41, nays 6.

Those who voted in the affirmative were:

Messrs—
 Beardsley,
 Brooke,
 Brown,
 Burke,
 Burton,
 Colosky,
 Dennett,
 Erickson,
 Fay,
 Fiske,
 Gill,
 Graber,
 Haight,
 Hanson,

Messrs—
 Havrevold,
 Hill,
 Hodgson,
 Holte,
 Holritz,
 Horgan,
 Lamb,
 Larson,
 Loomis,
 Loring,
 McCulloch,
 McKendry,
 Noltimier,
 Oliver,

Messrs—
 Osgood,
 Peabody,
 Peterson,
 Satterlund,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Wallen,
 Ward,
 Watson,
 Yegen,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Axvig,
 Christianson,

Messrs—
 Daily,
 Daniel,

Messrs—
 Ebbighausen,
 Kearney.

Absent and not voting:

Messrs—
 Bjornson,
 Cope,
 Cunningham,
 Davis,
 Douglas,

Messrs—
 Farrah,
 Foss,
 Hall,
 Lutz,
 Richie,

Messrs—
 Triplett,
 Tufts,
 Walton,
 White,
 Williams.

Mr. Lutz being excused.

So the bill passed, but the emergency clause was lost, and
 The title was agreed to.

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and Session Laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

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

The question being upon the passage of the bill,
 The roll being called there were ayes 49, nays 2.

Those who voted in the affirmative were:

Messrs—
 Axvig,
 Beardsley,
 Bjornson,
 Brooke,
 Brown,
 Burke,
 Burton,
 Christianson,
 Colosky,
 Daniel,
 Davis,
 Dennett,

Messrs—
 Graber,
 Haight,
 Hall,
 Hanson,
 Havrevold,
 Hill,
 Holte,
 Holritz,
 Horgan,
 Kearney,
 Lamb,
 Larson,

Messrs—
 Noltimier,
 Oliver,
 Osgood,
 Peabody,
 Peterson,
 Satterlund,
 Skinner,
 Smith,
 Strom,
 Thompson,
 Tufts,
 Wallen,

Messrs— Erickson, Farrah, Fay, Fiske, Gill,	Messrs— Loomis, Loring, McCulloch, McKendry,	Messrs— Ward, Watson, Yegen, Mr. Speaker.
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Absent and not voting:

Messrs— Cope, Cunningham, Douglas, Foss,	Messrs— Hodgson, Lutz, Richie, Triplett,	Messrs— Walton, White, Williams.
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Messrs. Daily and Ebbighausen voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An Act relating to the shipment of live stock and grain,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 43, nays 4.

Those who voted in the affirmative were:

Messrs— Axvig, Beardsley, Bjornson, Brown, Burke, Burton, Christianson, Colosky, Daily, Daniel, Davis, Dennett, Ebbighausen, Farrah, Fay,	Messrs— Fiske, Foss, Graber, Haight, Hall, Hill, Hodgson, Holte, Holritz, Horgan, Kearney, Lamb, Larson, Loring,	Messrs— McCulloch, Noltmier, Oliver, Peabody, Skinner, Smith, Strom, Thompson, Tufts, Wallen, Ward, Watson, Yegen, Mr. Speaker.
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Those who voted in the negative were:

Messrs— Loomis, McKendry,	Messrs— Osgood,	Messrs— Satterlund.
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Absent and not voting:

Messrs— Brooke, Cope, Cunningham, Douglas, Erickson,	Messrs— Gill, Hanson, Havrevold, Lutz, Peterson,	Messrs— Richie, Triplett, Walton, White, Williams.
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Mr. Lutz being excused.

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

Mr. Daily moved

That the further consideration of Senate Bill No. 89 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 124.

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock,"

Was read the third time, and

Mr. Fiske moved

To strike out the emergency clause,

Which motion prevailed, and

The bill was so amended.

The question being upon the passage of the bill as amended,

The roll being called there were ayes 25, nays 24.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Barton,
Daily,
Davis,
Dennett,
Fiske,
Foss,
Gill,

Messes—

Hanson,
Hodgson,
Holte,
Holritz,
Lamb,
Loomis,
Noltimier,
Peabody,

Messrs—

Peterson,
Richie,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Watson.

Those who voted in the negative were:

Messrs—

Brooke,
Brown,
Burke,
Christianson,
Colosky,
Daniel,
Ebbighausen,
Erickson,

Messrs—

Farrah,
Fay,
Graber,
Haight,
Hall,
Havrevold,
Hill,
Horgan,

Messrs—

Kearney,
McCulloch,
McKendry,
Oliver,
Osgood,
Skinner,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,
Cope,
Cunningham,
Douglas,
Larson,

Messrs—

Loring,
Lutz,
Satterlund,
Triplett,

Messrs—

Walton,
Ward,
White,
Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners and states attorney in relation thereto,

Was read the third time, and

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed.

Mr. Strom moved

To lay the motion upon the table,

Which motion was lost.

The question recurring upon the motion to indefinitely postpone,

The motion was withdrawn.

The question being upon the passage of the bill,
The roll being called there were ayes 33, nays 20.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Colosky,
Davis,
Dennett,
Douglas,
Farrah,

Messrs—

Gill,
Graber,
Haight,
Hanson,
Hill,
Kearney,
Loring,
McCulloch,
Noltimier,
Oliver,
Osgood,

Messrs—

Peabody,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Tufts,
Ward,
Watson,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Christianson,
Daily,
Daniel,
Ebbighausen,
Erickson,
Fay,

Messrs—

Fiske,
Hall,
Havrevold,
Holte,
Holritz,
Horgan,
Lamb,

Messrs—

Larson,
Loomis,
McKendry,
Peterson,
Thompson,
Wallen.

Absent and not voting:

Messrs—

Cope,
Cunningham,
Foss,

Messrs—

Hodgson,
Lutz,
Triplett,

Messrs—

Walton,
White,
Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds,

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

The question being upon the passage of the bill,
The roll being called there were ayes 32, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Haight,	Richie,
Beardsley,	Hanson,	Satterlund,
Bjornson,	Horgan,	Skinner,
Burke,	Kearney,	Smith,
Cunningham,	Lamb,	Strom,
Daily,	Loomis,	Tufts,
Daniel,	Loring,	Ward,
Davis,	McCulloch,	Watson,
Dennett,	Noltmier,	Yegen,
Gill,	Oliver,	Mr. Speaker.
Graber,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Foss,	McKendry,
Christianson,	Hill,	Peabody,
Douglas,	Hodgson,	Peterson,
Farrah,	Holritz,	Thompson,
Fay,	Larson,	Wallen.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Erickson,	Lutz,
Burton,	Fiske,	Triplett,
Cope,	Hall,	Walton,
Colosky,	Havrevold,	White,
Ebbighausen,	Holte,	Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 24 of Chapter 39 of the Political Code of 1877,"

Was read the third time, and

Mr. Lamb moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Speaker called Mr. Gill to the Chair.

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records,

Was read the third time, and

Mr. Douglas moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 90,

A bill for an act defining usury, making, the taking of usury a misdemeanor; also the assignment or disposition of usurious contracts, and providing penalty therefor,

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

The question being upon the passage of the bill,
The roll being called there were ayes 42, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Larson,
Beardsley,	Farrah,	McCulloch,
Bjornson,	Fay,	McKendry,
Brooke,	Foss,	Noltimier,
Brown,	Graber,	Peabody,
Burke,	Haight,	Peterson,
Christianson,	Hall,	Richie,
Colosky,	Hanson,	Satterlund,
Cunningham,	Havrevold,	Strom,
Daily,	Hill,	Thompson,
Daniel,	Hodgson,	Wallen,
Davis,	Holritz,	Ward,
Dennett,	Horgan,	Watson,
Ebbighausen,	Lamb,	Yegen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burton,	Kearney,	Osgood,
Fiske,	Loomis,	Skinner,
Gill,	Loring,	Smith.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Oliver,	White,
Douglas,	Triplett,	Williams,
Holte,	Tufts,	Mr. Speaker.
Lutz,	Walton,	

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers,

Was read the third time, and

Mr. Fiske moved

That the further consideration of the bill be indefinitely postponed.

Mr. Holritz moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring upon the motion to indefinitely postpone,

The motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws.

Was read the third time, and

Mr. Kearney moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

The question being upon the passage of the bill,

The roll being called there were ayes 49, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fay,	McKendry,
Beardsley,	Fiske,	Noltmier,
Brooke,	Foss,	Osgood,
Brown,	Gill,	Peabody,
Burke,	Hall,	Peterson,
Burton,	Hanson,	Richie,
Christianson,	Havrevold,	Satterlund,
Colosky,	Hill,	Skinner,
Cunningham,	Hodgson,	Smith,
Daily,	Holte,	Thompson,
Daniel,	Holritz,	Tufts,
Davis,	Horgan,	Wallen,
Dennett,	Kearney,	Ward,
Douglas,	Lamb,	Watson,
Ebbighausen,	Loring,	Yegen,
Erickson,	McCulloch,	Mr. Speaker.
Farrah,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Graber,	Haight.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Oliver,	Walton,
Larson,	Strom,	White,
Loomis,	Triplett,	Williams.
Lutz,		

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887, entitled "An act to establish a Code of Procedure in courts of justices of the peace, and to limit the jurisdiction of the same."

Was read the third time, and

Mr. Brooke moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

The question being upon the passage of the bill,
The roll being called there were ayes 34, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hanson,	Osgood,
Bjornson,	Havrevold,	Richie,
Brown,	Hill,	Satterlund,
Burke,	Hodgson,	Skinner,
Burton,	Holte,	Smith,
Colosky,	Holritz,	Strom,
Davis,	Horgan,	Thompson,
Erickson,	Lamb,	Tufts,
Fay,	Loomis,	Wallen,
Gill,	McCulloch,	Watson,
Graber,	Noltmier,	Mr. Speaker.
Haight,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Dennett,	Kearney,
Brooke,	Douglas,	McKendry,
Cunningham,	Ebbighausen,	Ward,
Daily,	Farrah,	Yegen.
Daniel,	Fiske,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Loring,	Triplett,
Cope,	Lutz,	Walton,
Foss,	Oliver,	White,
Hall,	Peabody,	Williams.
Larson,	Peterson,	

Mr. Lutz being excused.

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

Senate Bill No. 75,

A bill for an act relating to incumbrance on growing crop,
Was read the third time, and

Mr. Fay moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths, and compilation of statistics relating thereto,

Was read the third time, and

Mr. Allen moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull,

Was read the third time, and

Mr. Allen moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivisions of the counties of Walette and Howard, Dakota Territory," approved March 9, 1883,

Was read the third time by its title, and

Mr. Douglas moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Lamb moved

That the House take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House re-assembled at 2 o'clock p. m.

Mr. Burke moved

That the vote by which Senate Bill No. 124 was lost be reconsidered,

Which motion was withdrawn.

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota,

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

The question being upon the title of the bill,

The roll being called there were ayes 38, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Osgood,
Beardsley,	Havrevold,	Richie,
Brooke,	Hill,	Satterlund,
Burke,	Hodgson,	Skinner,
Daniel,	Holte,	Smith,
Davis,	Holritz,	Thompson,
Dennett,	Kearney,	Tufts,
Ebbighausen,	Larson,	Wallen,
Erickson,	Loomis,	Ward,
Fay,	Loring,	Watson,
Gill,	McCulloch,	Yegen,
Graber,	McKendry,	Mr. Speaker.
Hall,	Oliver,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Douglas,	Noltmier,
Brown,	Farrah,	Peabody,
Burton,	Fiske,	Peterson,
Christianson,	Foss,	Strom,
Colosky,	Haight,	Triplett,
Cope,	Horgan,	Walton,
Cunningham,	Lamb,	White,
Daily,	Lutz,	Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 166,

A bill for an act entitled "An act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Was read the third time, and

Mr. Foss moved

That the further consideration of the bill be indefinitely postponed.

Which motion was withdrawn.

The question being upon the final passage of the bill,

The roll being called there were ayes 37, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Osgood,
Beardsley,	Graber,	Richie,
Brown,	Hill,	Satterlund,
Burke,	Holritz,	Skinner,
Burton,	Horgan,	Smith,
Christianson,	Kearney,	Strom,
Colosky,	Lamb,	Tufts,
Daniel,	Larson.	Wallen,

Messrs—

Davis,
Dennett,
Douglas,
Ebbighausen,
Fay.

Messrs—

Loomis,
McCulloch,
McKendry,
Oliver,

Messrs—

Walton,
Watson,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Bjornson,
Havrevold,

Messrs—

Holte,
Peterson,

Messrs—

Thompson.

Absent and not voting:

Messrs—

Brooke,
Cope,
Cunningham,
Daily,
Erickson,
Farrah,
Fiske,

Messrs—

Foss,
Haight,
Hall,
Hanson,
Hodgson,
Loring,
Lutz,

Messrs—

Noltimier,
Peabody,
Triplett,
Ward,
White,
Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 179,

A bill for an act for the equitable adjustment and settlement
of the delinquent taxes due to the State from the several counties.

Also,

House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter
157 of the Laws of North Dakota, 1890.

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M.
Gleason for labor as Janitor at the Capitol.

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses
incurred in making investigations regarding the adaptability of
the State of North Dakota to the culture of sugar beets and for
investigations regarding the value of North Dakota coals,

All of which the Senate has passed unchanged.

Also,

House Bill No. 49,

A bill for an act for the protection of game,

Which the Senate has amended as follows:

Strike out all after line 4, Section 1, of said bill and insert the following:

SEC. 2. It shall be unlawful for any person to shoot, trap, snare or kill any prairie chickens or pinnated grouse or sharp-tailed grouse or ruffed grouse or wild duck between the 1st day of December and the 20th day of August of the year following, or any song bird at any time, or to hunt upon the enclosed or cultivated premises of another, except uncultivated lands of non-residents of this state, without consent of the owner, tenant or agent thereof; *Provided, however,* That the owner, tenant or agent of such premises shall first post and maintain in at least two conspicuous places notices signed by such owner, tenant or agent of such prohibition on each highway running by and contiguous to such premises, and one such notice in a conspicuous place on each quarter section owned or controlled by the party prohibiting such shooting, such notices to be on that part of the premises most likely to give warning to hunters not entering such premises by the highway. Such notices to be fastened to stakes driven into the earth, and shall be at least three feet above the ground, and shall be legible at all times.

Also, that Section 2 of said bill be amended by inserting the words "Section 6" before the word "if" in line 5 of said Section 2, and by adding to the end of said Section 2 of the printed bill, as follows: "*Provided,* That no prosecutions under this act for hunting upon the premises of another shall be maintained, except upon information furnished by the owner, tenant or agent of such premises."

Also amend Section 2 by inserting in line 19 of said Section 2, after the word "dollars," the words "for each bird shot or killed and 10 dollars."

And passed, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined
House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

The Speaker announced his signature to
House Bill No. 197,

A bill for an act to provide for the publication of reports of

opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey.

Also,

House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota.

Mr. Gill moved

That the House concur in the Senate amendments to House Bill No. 49,

Which motion prevailed, and

The question being upon the passage of House Bill No. 49,

A bill for an act for the protection of game,

As amended by the Senate,

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Brooke,
Brown,
Burke,
Burton,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fay,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Horgan,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Oliver,
Osgood,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,
Christianson,
Cope,
Cunningham,

Messrs—

Erickson,
Fiske,
Foss,
Holte,

Messrs—

Lutz,
Noltimier,
Peabody,
Triplett.

Mr. Kearney voting in the negative.

Mr. Lutz being excused.

So the bill passed as amended by the Senate, and

The title was agreed to.

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Was read the third time, and

Mr. Havrevold moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Engrossment made the following report:

MR. SPEAKER:

Your Committee on Engrossment have examined

Amendments to Senate Bill No. 33,

And find the same correctly engrossed.

JOHN BURKE,
Chairman.

Mr. Brooke moved

That the vote by which Senate Bill No. 124 was lost be reconsidered and that the bill be placed upon its final passage,

Which motion prevailed, and

The question being upon the passage of
Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An Act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock,"

The roll being called there were ayes 46, nays 4.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Daniel,
Davis,
Dennett,
Douglas,
Erickson,
Farrab,
Fay,
Fiske,

Messrs—

Foss,
Gill,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Kearney,
Larson,
Loomis,
Loring,
McKendry,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Cunningham,
Daily,

Messrs—

Horgan,
Lamb,

Messrs—

White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colosky,	Lutz,	Osgood,
Cope,	McCulloch,	Triplett,
Ebbighausen,	Noltmier,	Williams.
Holte,	Oliver,	

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Grabber,	Peabody,
Beardsley,	Hall,	Peterson,
Bjornson,	Hanson,	Richie,
Brooke,	Havrevold,	Satterlund,
Brown,	Hodgson,	Skinner,
Burke,	Holte,	Smith,
Burton,	Holritz,	Strom,
Christianson,	Horgan,	Thompson,
Colosky,	Kearney,	Tufts,
Daniel,	Lamb,	Wallen,
Davis,	Larson,	Walton,
Dennett,	Loring,	Ward,
Douglas,	McCulloch,	Watson,
Farrah,	McKendry,	Williams,
Fay,	Noltmier,	Yegen,
Fiske,	Oliver,	Mr. Speaker.
Gill,	Osgood,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Erickson,	Loomis,
Cunningham,	Foss,	Lutz,
Daily,	Haight,	Triplett,
Ebbighausen,	Hill,	White.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Mountraille to the General Fund of the State of North Dakota,

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

The question being upon the passage of the bill,

The roll being called there were ayes 48, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Foss,	McKendry,
Bjornson,	Gill,	Noltmier,
Brooke,	Graber,	Oliver,
Brown,	Hall,	Osgood,
Burke,	Hanson,	Peterson,
Burton,	Havrevold,	Richie,
Christianson,	Hill,	Skinner,
Colosky,	Hodgson,	Smith,
Daniel,	Holte,	Strom,
Davis,	Holritz,	Thompson,
Dennett,	Horgan,	Tufts,
Douglas,	Kearney,	Wallen,
Ebbighausen,	Lamb,	Walton,
Farrah,	Larson,	Williams,
Fay,	Loring,	Yegen,
Fiske,	McCulloch,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Erickson,	Peabody,
Cope,	Haight,	Tripplett,
Cunningham,	Loomis,	Watson,
Daily,	Lutz,	White.

Messrs. Satterlund and Ward voting in the negative.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 114,

A bill for an act making appropriation for a library in the office of the Superintendent of Public Instruction,

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

The question being upon the passage of the bill,

The roll being called there were ayes 26, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Hanson,	Richie,
Burke,	Havrevold,	Skinner,
Burton,	Hill,	Smith,
Christianson,	Holte,	Strom,
Davis,	Holritz,	Tufts,
Dennett,	Kearney,	Walton,
Fay,	Loring,	Williams,
Fiske,	McKendry,	Yegen.
Gill,	Osgood,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Daily,	Lamb,
Beardsley,	Daniel,	Larson,
Brooke,	Ebbighausen,	McCulloch,
Brown,	Graber,	Thompson,
Cunningham,	Horgan,	Ward.

Absent and not voting:

Messrs—

Colosky,
Cope,
Douglas,
Erickson,
Farrah,
Foss,
Haight,

Messrs—

Hall,
Hodgson,
Loomis,
Lutz,
Noltimer,
Oliver,
Peabody,

Messrs—

Peterson,
Satterlund,
Triplett,
Wallen,
Watson,
White,
Mr. Speaker.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

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

The question being upon the passage of the bill,
The roll being called there were ayes 27, nays 24.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Daily,
Daniel,
Douglas,
Gill,
Graber,

Messrs—

Hall,
Hill,
Horgan,
Kearney,
Loomis,
Loring,
Noltimer,
Oliver,
Osgood,

Messrs—

Richie,
Skinner,
Smith,
Tufts,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Beardsley,
Burton,
Christianson,
Davis,
Farrah,
Fay,
Fiske,

Messrs—

Foss,
Hanson,
Havrevold,
Hodgson,
Holte,
Holritz,
Lamb,
Larson,

Messrs—

McCulloch,
McKendry,
Peabody,
Peterson,
Satterlund,
Strom,
Wallen,
Ward.

Absent and not voting:

Messrs—

Colosky,
Cope,
Cunningham,
Dennett,

Messrs—

Ebbighausen,
Erickson,
Haight,
Lutz,

Messrs—

Thompson,
Triplett,
Walton.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that
House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey.

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,

Were delivered to His Excellency the Governor, for his approval, at the hour of 2:30 o'clock p. m., March 6, 1891.

H. A. NOLTIMIER,
Chairman.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires.

Also,

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota.

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same.

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of

Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890.

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman

Mr. Speaker announced his signature to
House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires.

Also,

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota.

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers and to provide for the payment of the same.

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds and prescribing penalties therefor, and for the repeal of an act entitled "An Act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and an act entitled "An Act to amend Section 1, General Laws of 1885, Supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of Senate Bill No. 113 made a special order for 3 o'clock p. m.,

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,
Was placed upon its final passage.

The question being upon the passage of the bill,
The roll being called there were ayes 28, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brooke,	Farrah,	Osgood,
Brown,	Gill,	Satterlund,
Burke,	Graber,	Smith,
Colosky,	Haight,	Thompson,
Cunningham,	Holritz,	Tufts,
Daily,	Horgan,	Watson,
Daniel,	Loomis,	Williams,
Ebbighausen,	McKendry,	Yegen.
Erickson,		

Those who voted in the negative were.

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Peabody,
Bjornson,	Hill,	Peterson,
Christianson,	Hodgson,	Richie,
Davis,	Kearney,	Skinner,
Dennett,	Lamb,	Strom,
Douglas,	Larson,	Wallen,
Fiske,	Loring,	Ward,
Foss,	McCulloch,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beardsley,	Havrevold,	Oliver.
Burton,	Holte,	Triplett,
Cope,	Lutz,	Walton,
Fay,	Noltmier,	White.
Hall,		

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Mr. Speaker announced his signature to
Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890.

Also,
Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Also,
Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

Also,

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887."

Also,

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota.

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota.

Also,

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota.

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part I of the Civil Code.

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883.

Also,

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds.

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State taxes.

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890.

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School."

Senate Bill No. 196,

A bill for an act entitled "An act regulating the adoption of children,"

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

The question being upon the passage of the bill,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brown,
Burke,
Burton,
Colosky,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Farrah,
Fay,
Fiske,
Gill,
Graber,

Messrs—

Haight,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Oliver,

Messrs—

Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—

Axvig,
Brooke,
Christianson,
Cope,
Cunningham,

Messrs—

Erickson,
Foss,
Holte,
Lutz,

Messrs—

Noltmier,
Triplett,
White,
Williams.

Mr. Lutz being excused.

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

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection,

arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893 and to provide for the expenses of the State Commission thereof,

Was read the third time, and

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Farrar,	Osgood,
Brooke,	Fay,	Satterlund,
Brown,	Gill,	Smith,
Burke,	Graber,	Tufts,
Burton,	Haight,	Walton,
Cunningham,	Hall,	Watson,
Daily,	Holritz,	White,
Daniel,	Horgan,	Williams,
Dennett,	Loomis,	Mr. Speaker.
Erickson,	McKendry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Havrevold,	Oliver,
Beardsley,	Hill,	Peabody,
Christianson,	Hodgson,	Peterson,
Colosky,	Holte,	Skinner,
Davis,	Kearney,	Strom,
Douglas,	Lamb,	Thompson,
Ebbighausen,	Larson,	Wallen,
Fiske,	Loring,	Ward,
Foss,	McCulloch,	Yegen.
Hanson,	Noltmier,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Richie,	Triplett.
Lutz,		

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined
House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor.

Also,

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the General School Laws, and for the repeal of certain laws providing for independent districts.

Also,

House Bill No. 134,

A bill for an act to amend an act entitled "An act to provide for a system of accounts for the State Auditor and State Treasurer."

Also,

House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled "Bounty for Wolf Scalps."

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the capitol.

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that

House Bill No. 175,

A bill for an act for the destruction of noxious weeds and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws of 1885, Supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890.

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same.

Also,

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey.

Also,

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the services of sires.

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Were delivered to his excellency the Governor for his approval at the hour of 3:45 o'clock p. m., March 6, 1891.

H. A. NOLTIMILR,
Chairman.

The Speaker announced his signature to

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor.

Also,

Substitute for House Bill No. 134,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts.

Also,

House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled "Bounty for wolf scalps."

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the Capitol.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890: acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Which the Senate has passed with the following amendment:

Amend Section 10 after the words "shall be payable" and before the

words "from the interest and income fund" insert the words "in twenty years from date of issue."

And your concurrence therein is respectfully requested.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown,
Which the Senate has passed unchanged.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Which the Senate has passed with the following amendment:

Add to line 193, Section 6, on page 11, the following: "And be it further provided that nothing in this section shall be construed to effect any act passed by the Second Legislative Assembly for the extension of time for paying personal or real taxes for the year 1890."

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Cashel moved

To amend House Bill No. 225 by inserting after the word "building" in line 22 the following words: "Grand Army hall owned by a Grand Army Post."

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

Was placed upon its final passage, and

Mr. Oliver moved

To strike out Section 3 of the bill.

Mr. Oliver moved

That the further consideration of the bill be indefinitely postponed.

Mr. Gill moved

To lay the motion upon the table,

Which motion prevailed.

The question recurring upon the motion to strike out Section 3.

Roll call was demanded.

The roll being called there were ayes 20, nays 35.

Those who voted in the affirmative were:

Messrs—
Beardsley,
Davis,
Fiske,
Foss,
Hanson,
Hill,
Hodgson,

Messrs—
Holte,
Holritz,
Horgan,
Kearney,
McCulloch,
McKendry,
Oliver,

Messrs—
Osgood,
Peterson,
Strom,
Thompson,
Wallen,
Ward.

Those who voted in the negative were:

Messrs—
Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Dail,
Daniel,
Dennett,

Messrs—
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Gill,
Graber,
Haight,
Lamb,
Loomis,
Loring,

Messrs—
Richie,
Satterlund,
Skinner,
Smith,
Tufts,
Walton,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—
Cope,
Hall,
Havrevold,

Messrs—
Larson,
Lutz,
Noltimier,

Messrs—
Peabody,
Triplett.

Mr. Lutz being excused.

And so the motion was lost.

The question being upon the passage of the bill,
The roll being called there were ayes 44, nays 10.

Those who voted in the affirmative were:

Messrs—
Axvig,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,

Messrs—
Erickson,
Farrah,
Fay,
Fiske,
Gill,
Graber,
Haight,
Hall,
Havrevold,
Holritz,
Horgan,
Lamb,
Loomis,
Loring,
McKendry,

Messrs—
Osgood,
Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Tufts,
Walton,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Foss,
Hanson,
Hill,
Hodgson,

Messrs—
Kearney,
McCulloch,
Oliver,

Messrs—
Strom,
Thompson,
Wallen.

Absent and not voting:

Messrs—

Beardsley,
Cope,
Holte,

Messrs—

Larson,
Lutz,
Noltimier,

Messrs—

Triplett,
Ward.

Mr. Lutz being excused.

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

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 150,

A bill for an act to provide a Military Code for the State of North Dakota.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the 26th day of August, A. D. 1890.

Also,

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,

House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act."

Also,

House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice law in the courts of North Dakota,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890.

Also,

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890.

Also,

House Bill No. 150,

A bill for an act to provide a Military Code for the State of North Dakota.

Also,

House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident therein," and to repeal Section 12 of the same act.

Mr. Speaker called Mr. Richie to the Chair.

Mr. White moved

That the House concur in the Senate amendments to House Bill No. 191,

Which motion prevailed, and

The question being upon the passage of

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Trail county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the management of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

As amended by the Senate,

The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Daniel,
Davis,
Dennett,
Douglas,
Ebbighausen,
Erickson,
Farrah,
Fay,
Fiske,

Messrs—

Gill,
Graber,
Hall,
Hanson,
Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McCulloch,
McKendry,
Oliver,
Osgood,

Messrs—

Peabody,
Peterson,
Richie,
Satterlund,
Skinner,
Smith,
strom,
Thompson,
Tufts,
Wallen,
Walton,
Ward,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Haight,	Noltimier,
Daily,	Horgan,	Triplett.
Foss,	Lutz,	

Mr. Cunningham voting in the negative.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, and
The title was agreed to.

Mr. White moved

That the House concur in the Senate amendments to House
Bill No. 225,

Which motion prevailed, and

The question being upon the passage of
House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890,
being an act entitled "An act prescribing the mode of making as-
sessments and the levy and collection of taxes, and for other pur-
poses relative thereto,"

As amended by the Senate,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Fiske,	Oliver,
Beardsley,	Gill,	Osgood,
Bjornson,	Graber,	Peabody,
Brooke,	Haight,	Peterson,
Burke,	Hall,	Richie,
Burton,	Hanson,	Satterlund,
Christianson,	Havrevold,	Skinner,
Colosky,	Hill,	Smith,
Daily,	Hodgson,	Strom,
Daniel,	Holte,	Tufts,
Davis,	Holritz,	Walton,
Dennett,	Horgan,	Watson,
Douglas,	Kearney,	White,
Ebbighausen,	Lamb,	Williams,
Erickson,	Larson,	Yegen,
Farrah,	Loring,	Mr. Speaker.
Pay,	McKendry,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Loomis,	Thompson,
Cope,	Lutz,	Triplett,
Cunningham,	McCulloch,	Wallen,
Foss,	Noltimier,	Ward.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Lamb moved

That the vote by which Senate Bill No. 164 was lost be recon-
sidered.

Mr. Oliver moved
To lay the motion upon the table,
Which motion was lost.

The question recurring upon the motion to reconsider.

Roll call was demanded.

The roll being called there were ayes 35, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Ebbighausen,	Loomis,
Bjornson,	Erickson,	McKendry,
Brooke,	Farrah,	Richie,
Brown,	Fay,	Satterlund,
Burke,	Gill,	Smith,
Burton,	Graber,	Tufts,
Colosky,	Haight,	Walton,
Cunningham,	Hall,	Watson,
Daily,	Havrevold,	White,
Daniel,	Holritz,	Williams,
Dennett,	Horgan,	Mr. Speaker.
Douglas,	Lamb,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Holte,	Peterson,
Christianson,	Kearney,	Skinner.
Davis,	Loring,	Strom,
Fiske,	McCulloch,	Thompson,
Foss,	Olver,	Wallen,
Hanson,	Osgood,	Ward,
Hill,	Peabody,	Yegen.
Hodgson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Lutz,	Triplett.
Larson,	Noltimier,	

Mr. Lutz being excused.

And so the motion to reconsider prevailed.

The question then being upon the final passage of
Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commissioners thereof,

The roll being called there were ayes 38, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	McKendry,
Bjornson,	Farrah,	Osgood,
Brooke,	Fay,	Richie,
Brown,	Gill,	Satterlund,
Burke,	Graber,	Smith,
Burton,	Haight,	Tufts,

Messrs—
Colosky,
Cunningham,
Daily,
Daniel,
Dennett,
Douglas,
Ebbighausen.

Messrs—
Hall,
Havrevold,
Holritz,
Horgan,
Lamb,
Loomis,
Loring,

Messrs—
Walton,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Beardsley,
Christianson,
Davis,
Fiske,
Foss,
Hanson,
Hill,

Messrs—
Hodgson,
Holte,
Kearney,
Larson,
McCulloch,
Oliver,
Peabody,

Messrs—
Peterson,
Skinner,
Strom,
Thompson,
Wallen,
Ward.

Absent and not voting:

Messrs—
Cope,
Lutz,

Messrs—
Noltimier,

Messrs—
Triplett.

Mr. Lutz being excused.

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

Mr. Walton moved

That the following Senate Concurrent Resolution be adopted:

CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

WHEREAS, By that certain act of Congress, approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route." and the subsequent acts and joint resolutions of Congress relating to the same subject, it is provided that the title to lands selected by the Northern Pacific Railroad Company for indemnity for lands lost in place under the terms and provisions of said acts and joint resolutions of Congress, shall not pass to said railroad company until such selections have been approved by the Secretary of the Interior; and

WHEREAS, The Northern Pacific Railroad Company declines and refuses to pay any taxes upon its said lands so selected for indemnity; and lying more than forty, but not more than fifty miles distant from the main line of the railroad of said company, for the alleged reason that the Secretary of the Interior has failed and neglected to approve its said selection; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation, by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining, by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

Resolved, That the President of the United State be and he is hereby

respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

Resolved, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Secretary of State to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

Which motion prevailed, and
The resolution was adopted.

Senate Bill No. 195,
A bill for an act granting the right of suffrage to women,
Was read the third time, and
Mr. Fay moved

That the further consideration of the bill be indefinitely postponed.

Mr. Hill moved
To lay the motion upon the table,
Which motion prevailed.

The question being upon the passage of the bill,
The roll being called there were ayes 27, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Gill,	Richie,
Bjornson,	Hill,	Skinner,
Brooke,	Hodgson,	Smith,
Burton,	Lamb,	Strom,
Christianson,	Loring,	Thompson,
Cunningham,	McCulloch,	Walton,
Dennett,	McKendry,	Watson,
Erickson,	Noltimier,	White,
Foss,	Oliver,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Fay,	Kearney,
Brown,	Fiske,	Larson,
Burke,	Grabber,	Loomis,
Colosky,	Haight,	Osgood,
Daily,	Hall,	Peterson,
Daniel,	Hanson,	Satterlund,
Davis,	Havrevold,	Tufts,
Douglas,	Holte,	Ward,
Ebbighausen,	Holritz,	Yegen.
Farrah,	Horgan,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Peabody,	Wallen,
Lutz,	Triplett,	Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that

House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the 26th day of August, A. D. 1890.

Also,

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,

House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act."

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice law in the courts of North Dakota.

Also,

House Bill No. 150,

A bill for an act to provide a Military Code for the State of North Dakota.

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the Capitol.

Also,

House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled "Bounty for Wolf Scalps."

Also,

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the General School Laws, and for the repeal of certain laws providing for independent districts.

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor.

Also,
Substitute for House Bill No. 134,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer.

Were delivered to His Excellency the Governor, for his approval, at the hour of 4:50 o'clock p. m., March 6, 1891.

H. A. NOLTIMIER,
Chairman.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies.

Also,

House Bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

The Speaker announced his signature to
House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life, endowment and casualty insurance companies, corporations and societies other than co-operative or assessment life, endowment or casualty association or societies.

Also,

House Bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations.

Also,

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

Which the Senate has passed unchanged.

Also,

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

Which the Senate has passed with the amendment attached to the bill, and your concurrence therein is respectfully requested.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration.

Which the Senate has passed unchanged.

Also,

House Bill No. 240,

A bill for an act to promote irrigation.

Which the Senate has passed with the amendment attached to the bill, and your concurrence therein is respectfully requested.

Also,

Substitute for House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers,

Also,

House Bill No. 129,

A bill for an act entitled "An Act to regulate the fees of clerks of the district courts of the State of North Dakota."

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies.

Also,

House Bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance.

Were delivered to His Excellency the Governor for his approval at the hour of 5:10 o'clock p. m., March 6, 1891.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein.

Also,

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota.

Also,

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and states attorney in relation thereto.

Also,

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An Act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Also,

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877.

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions.

Also,

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and regulating voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

MOTIONS AND RESOLUTIONS.

Mr. Burke moved

That the House return to the order of motions and resolutions,
Which motion prevailed, and

Mr. Brown presented the following resolution:

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein.
That the thanks of the Second Legislative Assembly of the State of North Dakota are hereby tendered to Governor Andrew H. Burke for his uniform courtesy to the members thereof, and his business-like promptness and efficiency in considering the interests of the people of the State.

Mr. Daniel moved

To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Burke offered a resolution.

Mr. Burton moved

That the further consideration of the resolution be indefinitely postponed, and that it be not printed in the Journal.

Mr. Williams moved

To lay the motion upon the table.
Roll call demanded.

The roll being called there were ayes 27, nays 28.

Those who voted in the affirmative were:

Messrs—

Axvig,
Brooke,
Brown,
Burke,
Colosky,
Cunningham,
Daily,
Daniel,
Douglas,

Messes—

Ebbighausen,
Erickson,
Farrah,
Fay,
Graber,
Haight,
Hall,
Havrevold,
Holritz,

Messrs—

Horgan,
Kearney,
Loomis,
McKendry,
Osgood,
Satterlund,
Walton,
Williams,
Yegen.

Those who voted in the negative were:

Messrs—

Beardsley,
Bjornson,
Burton,
Christianson,
Davis,
Dennett,
Foss,
Gill,
Hanson,
Hill,

Messrs—

Hodgson,
Holte,
Loring,
McCulloch,
Noltimier,
Oliver,
Peabody,
Peterson,
Richie,

Messrs—

Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Ward,
White,
Mr. Speaker.

Absent and not voting:

Messrs—

Cope,
Fiske,
Lamb,

Messrs—

Larson,
Lutz,

*Messrs—

Triplett,
Watson.

Mr. Lutz being excused.

So the motion to lay upon the table was lost.

The question recurring upon the motion of Mr. Burton,
Roll call was demanded.

The roll being called there were ayes 30, nays 28.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Burton,
Christianson,
Davis,
Dennett,
Fiske,
Foss,
Gill,
Hanson,

Messrs—

Hill,
Hodgson,
Holte,
Lamb,
Loring,
McCulloch,
Noltimier,
Oliver,
Peabody,
Peterson,

Messrs—

Richie,
Skinner,
Smith,
Strom,
Thompson,
Tufts,
Wallen,
Ward,
White,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,
Brooke,
Brown,
Burke,
Colosky,

Messrs—

Erickson,
Farrah,
Fay,
Graber,
Haight,

Messrs—

Kearney,
Larson,
Loomis,
McKendry,
Osgood,

Messrs—
Cunningham,
Daily,
Daniel,
Douglas,
Ebbighausen,

Messrs—
Hall,
Havrevold,
Holritz,
Horgan,

Messrs—
Satterlund,
Walton,
Williams,
Yegen.

Absent and not voting:

Messrs—
Cope,
Lutz,

Messrs—
Triplett,

Messrs—
Watson.

Mr. Lutz being excused.

So the motion to indefinitely postpone and expunge prevailed.

Mr. Burke raised the point of order that the motion was not carried because more than one-sixth of the members voted in the negative,

Which point of order was decided not well taken.

Mr. Burke appealed from the decision of the Chair, and

The question being, Shall the decision of the Chair be sustained?

The decision of the Chair was sustained.

Mr. Burke offered the following resolution and moved its adoption:

WHEREAS, The Speaker of the House of Representatives of the Second Legislative Assembly of the State of North Dakota has presided over said Assembly fairly and impartially; therefore, be it

Resolved by the House of Representatives, That a vote of thanks be extended to Hon. W. B. Allen, Speaker of said House, for the fidelity and impartiality with which he has discharged his important duties.

Which motion prevailed, and

The resolution was adopted.

Mr. Brooke offered the following resolution and moved its adoption:

Resolved, That the thanks of the Legislative Assembly of the State of North Dakota are hereby tendered Major John G. Hamilton, Chief Clerk of the House, and Mr. E. H. Sanford, Assistant Clerk, for the faithful discharge of their duties, and for the valuable assistance that they have rendered members of the House, in matters involving technical skill, and for the uniform kindness and courtesy with which such assistance has been accorded.

Which motion prevailed, and

The resolution was adopted.

Mr. Strom offered the following resolution and moved its adoption:

Be it Resolved, That our thanks be tendered to the proprietors of the *Jamestown Alert*, *Fargo Republican* and *Minneapolis Tribune* for the courtesies shown to the members of this House in placing upon their desks the daily papers during this session.

Which motion prevailed, and

The resolution was adopted.

Mr. Strom moved
That the House concur in the Senate amendments to House
Bill No. 240,

Which motion prevailed, and
The question being upon the passage of
House Bill No. 240,
A bill for an act to promote irrigation,
As amended by the Senate,
The roll being called there were ayes 43, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Haight,	Peterson,
Bjornson,	Hanson,	Richie,
Brooke,	Havrevold,	Satterlund,
Brown,	Hill,	Skinner,
Burke,	Hodgson,	Smith,
Christianson,	Holritz,	Strom,
Colosky,	Horgan,	Thompson,
Daniel,	Lamb,	Tufts,
Davis,	Larson,	Wallen,
Dennett,	McKendry,	Ward,
Fay,	Noltimier,	White,
Fiske,	Oliver,	Williams,
Foss,	Osgood,	Yegen,
Graber,	Peabody,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Axvig,	Erickson,	Loring,
Burton,	Farrar,	Lutz,
Cope,	Gill,	McCulloch,
Cunningham,	Hall,	Triplett,
Daily,	Holte,	Walton,
Douglas,	Loomis,	Watson.
Ebbighausen,		

Mr. Kearney voting in the negative.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, and
The title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 215,

A bill for an act providing an appropriation to pay John A.
McLean for brick furnished the Dakota Penitentiary at Bismarck,
North Dakota,

Which the Senate has passed unchanged.

Also,

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5, of Chapter 37, of the Laws of 1890, being an act entitled "An act relating to the use of brands and earmarks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881,"

Which the Senate has indefinitely postponed.

Also,

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Which was lost.

C. C. BOWSFIELD,
Secretary.

Mr. Strom moved

That the House concur in the Senate amendments to House Bill No. 101:

That line 8 of Section 1 of said bill be amended by striking out the word "ten" where it appears in said line 8 and inserting in lieu thereof the word "five."

That the following be added as Section 4:

SEC. 4. And in no case shall any instrument purporting on its face to be a mortgage of personal property, be held or deemed to be other than security for the debt it purports to secure, and neither the property which it purports to mortgage nor the proceeds thereof shall be deemed or held to inure to the benefit of any person other than the mortgagee, his assigns or legal representatives, as security for the debt it purports to secure.

That the figure "4" line 7, on second page of said bill, be stricken out, and the figure "5" be inserted in lieu thereof,

Mr. Burke moved as a substitute

That the House do not concur,

Which motion was lost, and

The question recurring on the motion to concur,

The motion prevailed, and

The question being upon the passage of House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

As amended by the Senate,

The roll being called there were ayes 25, nays 19.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brown,
Burton,
Christianson,
Cunningham,
Davis,
Gill,

Messrs—

Hall,
Hanson,
Hill,
Lamb,
Loring,
Olver,
Osgood,
Richie,

Messrs—

Skinner,
Smith,
Strom,
Tufts,
Wallen,
Walton,
Watson,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Burke,
Colosky,
Daily,
Dennett,
Fiske,
Foss,
Grabber,

Messrs—

Haight,
Hodgson,
Holte,
Horgan,
Kearney,
Larson,

Messrs—

Peabody,
Peterson,
Satterlund,
Thompson,
Ward,
Yegen.

Absent and not voting:

Messrs—

Brooke,
Cope,
Daniel,
Douglas,
Ebbighausen,
Erickson,

Messrs—

Farrar,
Fay,
Havrevold,
Holritz,
Loomis,
Lutz,

Messrs—

McCulloch,
McKendry,
Noltmier,
Triplett,
White,
Williams.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

Mr. Strom moved

That a conference committee be appointed upon House Bill No. 101,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Strom, Oliver and Christianson.

Mr. Daniel offered the following resolution and moved its adoption:

WHEREAS, Miss Knapp, our efficient Stenographer, has, while acting in such capacity, performed her arduous duties with neatness and despatch; therefore, be it

Resolved by the House of Representatives, That a vote of thanks be tendered to her, and that we unanimously recommend her to the next Legislature as an accomplished and efficient stenographer.

Mr. Peabody moved

To amend by including all the clerks of the House,

Which motion prevailed, and

The resolution as amended was adopted.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for Insane at Jamestown,

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for Insane at Jamestown.

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals.

Mr. Thompson moved

To reconsider the vote by which House Bill No. 201 was lost,
Which motion was lost.

Mr. Osgood moved

That the House take a recess until 7:30 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 7:30 o'clock p. m.

House reassembled at 7:30 o'clock p. m.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined
House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 215,

A bill for an act providing for an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarck, North Dakota.

Also,

House Bill No. 49,

A bill for an act for the protection of game,
And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

House Bill No. 215,

A bill for an act providing for an appropriation to pay John A. McLean for brick furnished the Dakota Penitentiary at Bismarck, North Dakota.

Also,

House Bill No. 49,

A bill for an act for the protection of game.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,)
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells and to provide for locating the same.

Also,

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives

of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes.

Also,

House Bill No. 224,

A bill for an act entitled "An act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof."

Also,

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals,

All of which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Oliver offered the following resolution, and moved its adoption:

Resolved, That the House request the Senate not to adjourn until the House bills passed by the Senate can be enrolled.

Which motion prevailed, and
The resolution was adopted.

Mr. Speaker announced his signature to
Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Mountraille, to the General Fund of the State of North Dakota.

Also,

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain."

Also,

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers.

Also,

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of

1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund."

Also,

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds.

Also,

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor; also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws.

Also,

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887, entitled "An act to establish a Code of Procedure in courts of justices of the peace, and to limit the jurisdiction of the same."

Also,

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota.

Also,

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An Act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock."

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883.

Also,

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

Also,

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota.

Also,

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893 and to provide for the expenses of the State Commission thereof.

Also,

Senate Bill No. 166,

A bill for an act entitled "An act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife."

Also,

Senate Bill No. 196,

A bill for an act entitled "An act regulating the adoption of children."

Mr. Peabody moved

That the vote by which Senate Bill No. 114 was lost be reconsidered,

Which motion prevailed, and

The question being upon the passage of

Senate Bill No. 114,

A bill for an act making appropriation for a library in the office of the Superintendent of Public Instruction,

The roll being called there were ayes 41, nays 5.

Those who voted in the affirmative were:

Messrs—

Bjornson,
Brooke,
Brown,
Burke,
Burton,
Daniel,
Davis,
Dennett,
Ebbighausen,
Erickson,
Pay,
Gill,
Hall,
Hanson,

Messrs—

Havrevold,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Larson,
Loomis,
Loring,
McKendry,
Osgood,
Peabody,

Messrs—

Peterson,
Richie,
Satterlund,
Skinner,
Smith,
Strom,
Thompson,
Wallen,
Walton,
Watson,
White,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Colosky,
Cunningham,

Messrs—

Daily,
Grabber,

Messrs—

McCulloch.

Absent and not voting:

Messrs—

Axvig,
Beardsley,
Christianson,
Cope,
Douglas,
Farrah,

Messrs—

Fiske,
Foss,
Haight,
Lutz,
Noltimier,

Messrs—

Oliver,
Triplett,
Tufts,
Ward,
Williams.

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

Mr. Speaker announced his signature to
Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto,

Which the Senate has passed with the amendment attached to the bill:

Amend by striking out Sections 6 and 7.

Amend line 4, Section 15 by inserting after the word "Chapter" in said line the figures and words "187, and Chapter 138," and that the sections be re-numbered consecutively.

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

A committee from the Senate announced that the Senate would be ready to adjourn at 9:15 o'clock p. m.

Mr. Oliver moved

That a committee of three be appointed to request the Senate to remain in session until the House bills are enrolled,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Kearney, Oliver and Strom.

Mr. Dennett moved

That the House do not concur in the Senate amendments to House Bill No. 212,

Which motion was withdrawn.

Mr. Gill moved

That the House concur in the Senate amendments to House Bill No. 212,

Which motion prevailed, and

The question being upon the passage of the bill as amended,

The roll being called there were ayes 44, nays 8.

Those who voted in the affirmative were:

Messrs—

Axvig,
Beardsley,
Bjornson,
Brooke,
Brown,
Burke,
Burton,
Christianson,
Colosky,
Cunningham,
Daily,
Daniel,
Davis,
Ebbighausen,
Erickson,

Messrs—

Farrar,
Fay,
Gill,
Graber,
Haight,
Hall,
Hanson,
Hill,
Hodgson,
Holte,
Holritz,
Horgan,
Kearney,
Lamb,
Loomis,

Messrs—

Loring,
McCulloch,
McKendry,
Osgood,
Richie,
Skinner,
Smith,
Thompson,
Tufts,
Watson,
White,
Williams,
Yegen,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Dennett,
Foss,
Larson,

Messrs—

Peterson,
Satterlund,
Wallen,

Messrs—

Walton,
Ward.

Absent and not voting:

Messrs—

Cope,
Douglas,
Fiske,
Havrevold,

Messrs—

Lutz,
Noltimier,
Oliver,

Messrs—

Peabody,
Strom,
Triplett.

Mr. Lutz being excused.

So the bill as amended by the Senate passed, and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the
General Laws of 1890.

Also,

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of
the Laws of 1890, being an act entitled "An Act to provide for

liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain."

Both of which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Brown moved .

That a committee of three be appointed to wait upon the Governor and ascertain whether he has any more communications to send to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Brown, Gill and Foss.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined
House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration.

Mr. Peabody moved

That the vote by which Senate Bill No. 195 was lost be reconsidered.

Mr. Brown moved

That the motion be laid upon the table,

Which motion was lost.

The question recurring upon the motion to reconsider,

The motion prevailed, and

The question being upon the passage of the bill,

The roll being called there were ayes 24, nays 26.

Those who voted in the affirmative were:

Messrs—

Axvig,
Bjornson,
Burton,
Christianson,

Messrs—

Hodgson,
Horgan,
Kearney,
Lamb,

Messrs—

Oliver,
Richie,
Smith,
Walton,

Messrs—

Colosky,
Daniel,
Gill,
Hill,

Messrs—

Loring,
McCulloch,
McKendry,
Noltmier,

Messrs—

Watson,
White,
Williams,
Mr. Speaker.

Those who voted in the negative were.

Messrs—

Beardsley,
Brooke,
Brown,
Burke,
Cunningham,
Daily,
Davis,
Ebbighausen,
Erickson,

Messrs—

Farrah,
Fay,
Graber,
Haight,
Hall,
Hanson,
Havrevold,
Holte,
Holritz,

Messrs—

Larson,
Osgood,
Peterson,
Satterlund,
Thompson,
Tufts,
Ward,
Yegen.

Absent and not voting:

Messrs—

Cope,
Dennett,
Douglas,
Fiske,

Messrs—

Foss,
Loomis,
Lutz,
Peabody,

Messrs—

Skinner,
Strom,
Triplett,
Wallen.

Mr. Lutz being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

The committee appointed to wait upon the Senate returned, and Mr. Oliver made a verbal report.

Mr. Speaker announced his signature to Senate Bill No. 114,

A bill for an act making appropriations for a library in the office of the State Superintendent of Public Instruction.

Mr. Oliver moved

That the Chief Clerk be instructed to inform the Senate that the House will not be ready to adjourn for an hour and a half,

Which motion prevailed.

The committee to wait upon the Governor returned and made a verbal report.

Mr. Daniel moved

To adopt the report,

Which motion prevailed.

Mr. Burton moved

That the vote by which Senate Bill No. 198 was lost be reconsidered,

Which motion prevailed, and

The question being upon the passage of the bill,

The roll being called there were ayes 40, nays 12.

Those who voted in the affirmative were:

Messrs—

Beardsley,
Bjornson,
Brooke,
Brown,

Messrs—

Gill,
Graber,
Haight,
Hall,

Messrs—

Oliver,
Osgood,
Peabody,
Richie,

Messrs—	Messrs—	Messrs—
Burke,	Hill,	Skinner,
Burton,	Hodgson,	Smith,
Daily,	Holritz,	Tufts,
Daniel,	Horgan,	Walton,
Davis,	Kearney,	Watson,
Dennett,	Lamb,	White,
Ebbighausen,	Loomis,	Williams,
Erickson,	Loring,	Yegen,
Farrah,	McKendry,	Mr. Speaker.
Fay,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Peterson,
Christianson,	Holte,	Strom,
Colosky,	Larson,	Wallen,
Cunningham,	McCulloch,	Ward.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cope,	Havrevold,	Satterlund,
Douglas,	Lutz,	Thompson,
Fiske,	Noltimier,	Triplett.
Foss,		

Mr. Lutz being excused.

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 6, 1891. }

To the Speaker of the House of Representatives:

I have the honor to inform you that I have approved
 House Bill No. 230,

An act attaching a portion of township 151 north, range 62
 west, situated in the county of Benson, to the county of Ramsey.

Also,

House Bill No. 197,

An act to provide for the publication of reports of opinions
 rendered by the Supreme Court of the State of North Dakota by
 amending Section 7 of Chapter 171 of the laws passed by the
 First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 25,

An act to encourage the development of coal mines of the
 State, and to determine the kind of coal that shall be used as fuel
 in the various State institutions.

Also,

House Bill No. 244,

An act making an appropriation to pay certain expenses in-

curred by the Second Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 175,

An act for the destruction of noxious weeds, providing penalties for the violation of the same, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890.

Also,

House Bill No. 11,

An act to regulate the salaries of county treasurers, and to provide for the payment of the same.

Also,

House Bill No. 250,

An act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown.

Also,

House Bill No. 60,

An act requiring the Scandinavian languages to be taught at the State University at Grand Forks.

Also,

House Bill No. 205,

An act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol.

Also,

House Bill No. 100,

An act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires.

Also,

House Bill No. 215,

An act providing for an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarck, Dakota.

Also,

House Bill No. 157,

An act to reimburse Prof. E. J. Babcock for expenses incurred in making investigation regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coal.

Also,

House Bill No. 64,

An act to provide for the incorporation and regulation of life and casualty insurance companies, corporations or societies other

than co-operative or assessment life and casualty associations or societies.

Also,

House Bill No. 65,

An act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance.

Also,

House Bill No. 150,

An act to provide a military code for the State of North Dakota.

Also,

House Bill No. 49,

An act for the protection of game.

Very respectfully,

ANDREW H. BURKE,

Governor.

The Chief Clerk reported that he had delivered to the Senate the request of the House, that the Senate remain in session one hour and a half.

Mr. Kearney moved

That the vote by which Senate Bill No. 198 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An Act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 130,

A bill for an act amending Sections 6886 and 6888, Compiled Laws, and for the further prevention of cruelty to animals,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman

The Speaker announced his signature to
House Bill No. 130,

A bill for an act amending Sections 6886 and 6888, Compiled Laws, and for the further prevention of cruelty to animals.

Mr. Strom offered the following resolution, and moved its adoption:

Resolved, That the Chief Clerk be instructed to mail each member at his home a copy of the Journal of the sixtieth day's proceedings.

Which motion prevailed, and

The resolution was adopted.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells, and to provide for locating the same.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroads.

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells, and to provide for locating the same.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroads.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 132,

A bill for an act fixing the salaries of county auditor and register of deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887.

Also,

House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

The Speaker announced his signature to
House Bill No. 132.

A bill for an act fixing the salaries of county auditor and register of deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887.

Also,

House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof.

Mr. Speaker called Mr. Brooke to the Chair.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Speaker announced his signature to

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain."

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto.

Also,

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane."

Mr. Strom moved

That the House present to the Speaker the gavel that he has used during the session,

Which motion prevailed.

Mr. Oliver moved

That the House return its thanks to reporters, Streeter, Cornell and Baker,

Which motion prevailed.

Mr. Speaker announced his signature to

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An Act to provide a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Mr. Strom offered the following resolution and moved its adoption:

Resolved, That the House, in token of their esteem, tender the Chaplain of the House a vote of thanks.

Which motion prevailed, and
The resolution was adopted.

Mr. Dennett offered the following resolution and moved its adoption:

Resolved, That the thanks of the House are hereby tendered to the reporters of the various papers of the State for the faithful and efficient way in which they have reported the proceedings of the House of this session.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 6, 1891. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 105.

A bill for an act to amend Sections 90 to 100, both inclusive, Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation thereof,"

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced his signature to
House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Also,

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890.

Also,

House Bill No. 240,

A bill for an act to promote irrigation.

Also,

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North

Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Mr. Beardsley offered the following resolution, and moved its adoption:

WHEREAS, Before another distinguished body like the one on the point of adjourning can legally be reconvened or assembled, it seems eminently fit and proper that this august assembly should express itself on presidential candidates; therefore, be it

Resolved, That we view with pride and satisfaction the eminently wise, conservative and statesmanlike administration of President Harrison, and express an ardent hope and fervent desire that he will be renominated and re-elected to the honorable position which he now holds.

Mr. Oliver moved

To amend by striking out "Harrison" and inserting "James G. Blaine."

Mr. Burke moved as a substitute

To insert the name "Grover Cleveland" instead of "James G. Blaine."

Mr. Burton moved

To lay the substitute motion upon the table,
Which motion prevailed.

The question recurring upon the motion to amend,
The roll being called there were ayes 36, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjornson,	Gill,	Peterson,
Brown,	Hanson,	Richie,
Burton,	Havrevold,	Satterlund,
Christianson,	Hill,	Skinner,
Colosky,	Holte,	Smith,
Daniel,	Holritz,	Strom,
Davis,	Loomis,	Tufts,
Dennett,	Loring,	Wallen,
Erickson,	McKendry,	Walton,
Fay,	Noltmier,	Ward,
Fiske,	Oliver,	White,
Foss,	Osgood,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Hall,	Horgan.
Burke,		

Absent and not voting:

Messrs—

Axvig,
Brooke,
Cope,
Cunningham,
Daily,
Douglas,
Ebbighausen,
Farrah,

Messrs—

Graber,
Haight,
Hodgson,
Kearney,
Lamb,
Larson,
Lutz,

Messrs—

McCulloch,
Peabody,
Thompson,
Triplett,
Watson,
Williams,
Yegen.

Mr. Lutz being excused.

And so the motion to amend prevailed.

The question recurring upon the adoption of the resolution as amended,

The motion prevailed, and
The resolution was adopted.

Mr. Speaker appointed as the committee to examine and correct the Journal of the sixtieth day, Messrs. Oliver, Gill and Burke, and requested them to report before we adjourn.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully report that
House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for Insane at Jamestown.

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals.

Also,

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Also,

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

House Bill No. 129,

A bill for an act entitled "An Act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 215,

A bill for an act providing an appropriation to pay John A. McLean for brick furnished the Dakota Penitentiary at Bismarck, North Dakota.

Also,

House Bill No. 49,

A bill for an act for the protection of game.

Also,

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration.

Also,

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals.

Also,

House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells and to provide for locating the same.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroads.

Also,

House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers.

Also,

House Bill No. 224,

A bill for an act entitled "An act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof."

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspec-

tion, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

Also,

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain."

Also,

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890.

Also,

House Bill No. 240,

A bill for an act to promote irrigation.

Also,

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation on Rock Island, (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Also,

House Bill No. 105,

A bill for an act to amend Section 90 to 100, both inclusive, Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation thereof,"

Were delivered to his excellency the Governor for his approval March 6, 1891.

H. A. NOLTIMIER,
Chairman.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment have examined

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890.

Also,

House Bill No. 240,

A bill for an act to promote irrigation.

Also,

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation on Rock Island, (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto.

Also,

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain."

Also,

House Bill No. 105,

A bill for an act to amend Sections 90 to 100, both inclusive, Chapter 62, Laws of 1890, an act to provide for a uniform system

of free public schools throughout the State, and to prescribe penalties for the violation thereof,

And find the same correctly enrolled.

H. A. NOLTIMIER,
Chairman.

Mr. Oliver moved

That the Journal Committee be instructed to correct the printed copy of the Journal and transmit a corrected copy to the Journal Clerk,

Which motion prevailed.

MR. SPEAKER:

Your committee to examine the Journal of the sixtieth day respectfully report that they have examined the original manuscript of the day's proceedings and find the same to be correct.

H. S. OLIVER,
J. C. GILL.

Mr. Gill moved

That the House do now adjourn *sine die*,

Which motion prevailed, and

The House adjourned *sine die*.

J. G. HAMILTON,
Chief Clerk.



HOUSE BILLS.

Number.	Introduced by	TITLE.	Introduction.	First Reading.		Second Reading.	Reference.
1	Mr. Brooke	Maintenance, Deaf and Dumb School	44	44	85	85	
2	Mr. Brooke	Independence of Electors at Public Elections	44	75	85	85	
3	Mr. Richie	To Amend Section 81 of Chapter 62, School Laws, 1890	45	45	85	85	
4	Mr. Peterson	To Provide for Protection and Regulation of Primary Elections	45	45	85	85	
5	Mr. Lutz	To Relieve Counties from Uncollectable Taxes	45	45	85	85	
6	Mr. Axvig	Repealing Inspection of Oils	45	45	85	85	
7	Mr. Strom	Resolution to Amend Constitution, State of North Dakota	45	45	85	85	
8	Mr. Strom	To Amend Sections 2 and 3 of Chapter 1, Justice Code	45	45	85	85	
9	Mr. Lutz	Providing Facilities for Marketing Wool	49	49	85	85	
10	Mr. Osgood	To Provide for Payment of Valid Taxes upon Judgment	49	49	85	85	
11	Mr. Loomis	To Regulate Salaries of County Treasurers	49	49	86	86	
12	Mr. Burke	To Regulate Admission of Attorneys to Practice	49	49	86	86	
13	Mr. Richie	To Amend Section 108 of Chapter 132, Laws of 1890	49	49	86	86	
14	Mr. Richie	To Amend Section 55 of Chapter 132 of Laws of 1890	49	50	86	86	
15	Mr. Richie	Transferring Tax Sales Records to County Auditor's Office	50	50	86	86	
16	Mr. Richie	To Amend Section 29 of Chapter 132, Revenue Law, 1890	50	50	86	86	
17	Mr. Richie	Providing for Discharge of Chattel Mortgages	50	50	86	86	
18	Mr. Gill	Prescribing Duties of County Treasurers	50	50	86	86	
19	Mr. McKendry	Defining Duties of County Courts, Case of Deceased Persons	54	55	87	87	
20	Mr. Loring	To Regulate the Practice of Pharmacy	55	55	87	87	
21	Mr. Loring	To Amend Section 5 of Chapter 127, Laws of 1880.	55	55	87	87	
22	Mr. Loring	To Amend Section 1 of Chapter 157, Laws of 1890.	516	546	87	87	
23	Mr. Holritz	Native Coal in State Institutions	55	55	87	87	
24	Mr. Lutz	Providing Indemnity for Loss of Grain by Hail	55	75	85	85	
25	Mr. Ward	Encouraging Development of Coal Mines of the State	75	55	87	87	
26	Mr. Gill	Furniture for Legislative Assembly	55	55	56	56	
27	Mr. Skinner	To Repeal Section 27 of Chapter 23, Laws of 1890	56	56	87	87	
28	Mr. Oliver	Maintenance, Soldiers Home	56	56	87	87	
29	Mr. Erickson	Extending Time for Payment of Taxes of 1890	56	56	88	88	
30	Mr. Richie	Salaries of County Officers	56	56	88	88	
31	Mr. Oliver	Commercial Agencies, Credit Companies, Etc	56	56	88	88	
32	Mr. Fay	To Amend Law Relating to Marriage and Providing License	56	56	88	88	
33	Mr. Fay	To Amend Section 1474 of Compiled Laws of 1887.	56	56	88	88	
34	Mr. Fay	To Amend Section 3, Chapter 50, First Legislative Assembly	56	56	88	88	
35	Mr. Fay	Revising Law in Relation to Justices and Constables, Civil Cases	57	99	99	99	
36	Mr. Fay	To Encourage Irrigation	57	57	88	88	
37	Mr. Fay	Increasing Jurisdiction of County Courts	57	57	88	88	
38	Mr. Fay	To Create a Landlord's Lien	57	57	88	88	
39	Mr. Fay	Apportionment	57	57	89	89	
40	Mr. Holritz	To Prevent Setting of Fires by Railroads	57	57	89	89	
41	Mr. Gill	To Cancel Taxes of Persons Losing by Hail or Cyclone	57	57	89	89	
42	Mr. Holritz	To Make Railroad Companies Liable for Damage by Fire	61	64	76	76	
43	Mr. Holritz	Relating to Practice in District Courts	64	64	76	76	
44	Mr. Beardsley	To Issue Bonds to Pay Territorial Indebtedness	64	64	76	76	
45	Mr. Douglas	To Facilitate Shipment of Live Stock, Grain, Etc	64	64	76	76	

HOUSE BILLS.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
234							234							
165		166					166							
234							234							
234 295	266	267	267				266							
94	100	94 100	100											
282 291 316 420	359	359	359			294	294							
178 220	221	188	221			70 221	523 523			525		547	553	569
270 512 524	574					574								
310 507 576	551	551	551			743	743		743			783	792	822
181 220	221	183 222	222			75	75		759			796	802	
208 232 270 512						208								
209 270 512						209								
80	99		100											
252 512														
430						630								
105 539	597	105				597								
94	112			113										
108	113			113										
165 233		182				165 234								
167 479 517	611	167 480	612			167	779					792	802	
117 159		117												
87 172	172	87 173	173		526		504	504		525	526	735		821
58	69			70										
94 664		94												
72	77		77		8	664								
192 247 303	302 303	249 590	302 304			304 575	504		504			547	553	
256 511						590								
164 186 232	188	164 202	203			256 511								
						188 202	803							
88 117 172	173	89 117	174											
180 220 271 315	240 358	182	359	387		240								
34 249 303	303	249	334			303								
233						267								
252 291 556						294 556								
180 249 303	305	249	306											
180						182								
382						383								
87 117						88 99 118								
383 512 552	578	512	578			383 576								
88 174	99					578								
106 118 217	111		112			88 99 175								
190 213 261 285	261	214 261	262			217	196		196					283

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	Reading.		Reference.
				First Reading.	Second Reading.	
46	Mr. Douglas.....	Providing for Disposition of Fees from State Offices	64	64	76	76
47	Mr. McKendry	To Amend Section 2366, Compiled Laws, 1887.	73	73	84	84
48	Mr. Loomis.....	To Cede Certain Lands to Federal Government....	74	74	84	84
49	Mr. Gill	To Provide for Protection of Game	74	74	84	84
50	Mr. Douglas.....	To Amend Section 129, Article 12, Chapter 62, Laws of 1890	74	74	84	84
51	Mr. Richie.....	To Amend Section 123, Article 11, School Laws of 1890	74	74	84	84
52	Mr. Holritz	For Prevention of Prairie Fires, and Provide for Damage	74	74	84	84
53	Mr. Burke	To Amend Section 619 of Compiled Laws	74	74	84	84
54	Mr. Foss	To Amend Sections 3 and 4 of Chapter 66, Laws of 1890	74	212	240	84
55	Mr. Richie.....	Establishment and Location of Industrial School at Ellendale.....	74	74	84	84
56	Mr. Tufts.....	To Repeal Chapter 138, Laws of 1890	74	74	85	85
57	Mr. Fay	To Provide a Clerk of the County Clerk	75	75	85	85
58	Mr. Fay	To Provide for Protection of Bank Depositors....	75	75	85	85
59	Mr. Oliver.....	To Authorize County Commissioners to Designate Depositories	212	240		
60	Mr. Havrevold	Scandinavian Language to be Taught in State University	85	85	98	98
61	Mr. Brown	To Donate Section 16, Township 151, Range 50, to State University	89	89	98	98
62	Mr. Farrah	Allowing Counties in Certain Cases to Use 50 per cent. of General Fund	90	90	99	99
63	Mr. Larson.....	County Commissioners to Loan from one County Fund to Another	90	90	99	99
64	Mr. Gill	Incorporation and Regulation of Life, Endowment and Casualty Companies	90	90	99	99
65	Mr. Gill	Incorporation and Regulation of Co-operative and Assessment Life, etc.....	90	98	111	111
66	Mr. Gill	Prescribing Duties of County Treasurers, and Care and Safe Keeping of Funds	90	515	546	124
67	Mr. Brooke.....	To Provide for Publication of Amendments to the Constitution	97	97	110	....
68	Mr. Fay	To Amend Sections 462 and 463 of Compiled Laws of 1887, Political Code	97	97	110	....
69	Mr. Axvig.....	Submission of Proposition to Amend Constitution of the State	97	97	111	111
70	Mr. Axvig.....	Proposing an Amendment to State Constitution ..	98	98	111	111
71	Mr. Williams	To Amend Sections 1 and 3 of Chapter 106, General Laws of 1890	98	98	111	111
72	Mr. Douglas.....	Appropriation to the Use of the Permanent School Fund	98	98	111	111
73	Committee on Ways and Means.....	To Amend Chapter 114 of Session Laws, Approved March 18, 1890	107	107	108	....
74	Mr. Beardsley	To Amend Sections 4, 5 and 8 of the Special Laws of 1885	108	108	124	124
75	Mr. McCulloch	To Amend Sections 2 and 3 of Session Laws of 1887	122	122	161	161
76	Mr. McCulloch	For an Act to Protect Sheep Husbandry	122	122	161	161
77	Mr. McCulloch	To Provide for Payment of Expense of Contested Elections	122	122	161	161
78	Mr. Daily.....	To Provide for Teaching Foreign Languages in State University	123	123	....	....
79	Mr. Tufts.....	To Regulate Collection of Attorneys Fees in Foreclosure of Real Estate Mortgages, etc.	123	123	161	161
80	Mr. Ward	To Allow Convicts in Penitentiary a Credit in Diminution of Sentences, etc.....	123	123	162	162
81	Mr. McCulloch	To Provide Against False Returns of Property for Taxation.....	123	123	162	162

HOUSE BILLS—Continued.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
252 290 478 552	577	498		577		284 384								
209	241					578								
159 174 200 244	200	175	201 781			241								
236 539	308 597					84								
208 249 251 290 333 539	362 598					200 201	779	779		781		813	829	823
106 174 351 166						308 597								
167 186 192	188	168				241								
236 289 409 492	596	410		596		249 294								
167 448 478 269	595 651	167	652			362 598								
165 186 295	188 264	264	189 285		201	851								
310 641						166								
481 608	574	574	575			188 241								
164						236 294								
284	266					168								
106 114	114		115											
235 295	267 276	235 277	277			277	754	754		756		803	804	822
235 315 433	282 613	235 282	282 613		440	90 484	759		759			803	804	823
310 641						516								
193 248 303	306	249	306			90								
180						564 588	523	523		525		547	553	
158 348 450						241								
159 198	265		266			450								
557	638					168								
184	121	121	122			638								183
310 507	596													
310 511						506	158		158					
460 533						511								
234						480 533								
252 292 333 581						234 267								
270 309	311		311			123								
210 270 512						294 593								

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading.	Reference.
82	Mr. Hill	To Provide Penalty for Sale of Firearms and Ammunition to Indians not Citizens	123	123	162	162
83	Mr. Loring	To Provide for a Free and Uniform System of Text Books	159	170	171	171
84	Mr. Peterson	To Establish County Uniformity of Text Books	160	160	170	170
85	Mr. Oliver	To Legalize and Validate State Tax Levy for the Year 1890	160	160	170	170
86	Mr. Oliver	To Repeal Section 5137, Article 2, Chapter 13, Compiled Laws of 1887	160	160	170	170
87	Mr. Satterlund	To Aid in Collection of Wages by Dispensing with Security for Costs in Certain Cases	160	160	170	170
88	Mr. Gill	To Prohibit and Prevent Sale and Manufacture of Unhealthy and Adulterated Dairy Products	161	186	199	199
89	Mr. McKendry	To Fix Legal Rate of Interest and Penalty for Violation of Provisions	160	166	170	170
90	Mr. Fay	To Amend Section 1, Chapter 20, of Political Code, being Section 478 Compiled Laws of 1887	160	160	171	171
91	Mr. Fay	To Regulate Proceedings in Attachment or Executions Against Property Owned Jointly, etc.	160	160	171	171
92	Mr. Fay	To Amend Section 1, Chapter 71, Laws of 1881, being Section 1471 Compiled Laws of 1887	161	161	171	171
93	Mr. Tufts	To Amend Section 5 of Chapter 26, Laws of 1889 ..	161	161	171	171
94	Mr. Brooke	To Attach Townships to County of Ramsey	168	168	168	168
95	Mr. Brooke	Correction of Assessments after Adjournment of Equalization Board	169	169	187	187
96	Mr. Yegen	To Prevent Fraud upon Travelers and Railroads, etc., in Sale and Use of Tickets	169	169	187	187
97	Mr. Oliver	Empowering Governor to Issue Arms and Equipments to all G. A. R. Posts in State	169	169	187	187
98	Mr. Dennett	To Amend Section 2, Chapter 52, Laws 1889, and Section 15, Chapter 10, Laws 1887	169	169	187	187
99	Mr. Dennett	To Amend Section 2, Chapter 120, Laws 1890, What Papers Entitled to Publish Legal Notices, To Promote Breeding of Improved Live Stock in State	169	169	187	187
100	Mr. Watson	To Amend Section 2, Chapter 120, Laws 1890, What Papers Entitled to Publish Legal Notices, To Promote Breeding of Improved Live Stock in State	169	169	187	187
101	Mr. Strom	Prescribing Time for Redeeming Property Sold by Virtue of Chattel Mortgage	169	169	187	187
102	Mr. Williams	To Repeal Chapter 88, Laws of 1890, Approved March 7, 1890	169	169	187	187
103	Mr. Thompson	Relating to Charges for Transportation of Freight and Property on Railroads	169	405	405	405
104	Mr. Triplett	To Amend Chapter 93, Laws 1890, to Regulate Practice of Medicine in State, etc.	184	184	198	198
105	Mr. Burton	To Amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100, Chapter 62, Laws of 1890	184	184	198	198
106	Mr. Brooke	To Amend Section 6, Chapter 152, Laws of 1890 ..	184	184	184	185
107	Mr. Burke	To Amend Section 2 of an Act Entitled "An Act to Amend Section 14, Chapter 10, Laws of 1887, and Chapter 52, Laws of 1889	185	185	198	198
108	Mr. Burke	To Amend Section 15, Chapter 10, Laws of 1887, Creating Office of County Auditor	185	185	198	198
109	Mr. Loomis	To Amend Section 104, Code of Civil Procedure, Section 4900 Compiled Laws	185	185	199	199
110	Mr. Tufts	To Repeal Chapter 187 of First Legislative Assembly, Regulating Buying, Selling, etc., of Grain	185	185	199	199
111	Mr. Satterlund	To Amend Section 39, Chapter 21, of Political Code ..	185	185	199	199
112	Mr. Strom	To Prohibit Mortgaging of Exempt Personal Property Without Consent of Husband and Wife	185	185	199	199
113	Mr. Richie	To Repeal Section 12, Chapter 152, Laws of 1890, Grain for Seed	185	185	186	186
114	Mr. Graber	Locating Blind Asylum in Pembina County, Providing Election to Determine Place in County ..	196	196	215	215

HOUSE BILLS—Continued.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
190 241	242		242											
681						692								
681						692								
253 290 315	359		360			294	738	738				796	802	
255														
249						249								
273 293						294								
191 248 303	306	249	307											
210 261	262			263										
192						192								
192 241	242 264		243		244	242 258								
191 241 671	243	243	244			264	637	637				698	696	
270 512														
253 290						254 294								
190 241 477	244		244				456	46	457			477	517	
310 509						509								
191 241 271 292 333	245 362		363			245 294								
353 432 490	398 491		491			398 491	751	751	754			786	792	822
191 248 303	307	249	308	811			804	804	810					
255						256								
668						170 701								
273 309	311	312	312											
540 687	641	641	642			199 641	826					831	840	
234 291 315	317		348			294	504	504				547	553	569
310 510						510								
310 509						509								
210						214								
446 479	595 652					652								
210 263	263	211	264											
210 440						211 440								
254 292 384	451	254 384	452			186 294	755	755	757			796	802	
251 291 316 671	360	451	361			294	637	637				698	696	

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.				
			Introduction.	First Reading.	Second Reading.	Reference.
115	Mr. Burton	Providing Lien for Service of Stallion or Bull....	196	196	215	215
116	Mr. Williams.....	Maintenance University of North Dakota (Dormitory and Boiler House)	196	196	215	215
117	Mr. Williams.....	Maintenance University of North Dakota.....	196	196	215	215
118	Mr. Peabody	To Legalize Bonding of Civil Townships for Purpose of Sinking Artesian Wells.....	197	197	216	216
119	Mr. Beardsley	To Provide for Filing of Chattel Mortgages with Town Clerks.....	197	197	216	216
120	Mr. Fiske	To Amend Section 15, Chapter 21, Political Code, Section 574 Compiled Laws of 1887.....	197	197	216	216
121	Mr. Ward	To Amend Sections 2, 3 and 5, Chapter 37, Laws of 1890, Relating to Use of Brands and Earmarks.....	197	197	216	216
122	Mr. Strom	An Act to Organize a County Board of Supervisors, Instead of County Commissioners.....	197	197	216	216
123	Mr. Bjornson.....	To Promote Forest Tree Culture on Prairies of North Dakota.....	197	197	216	216
124	Mr. Kearney	Prescribing the Duties of Registers of Deeds, Clerks of Court, Abstract of Title, etc.....	197	197	216	216
125	Mr. Oliver.....	To Limit and Regulate Issue of Warrants by County Courts, Justices, etc.....	197	197	216	216
126	Mr. Dennett	To Regulate Railroads and Other Common Carriers, etc.....	211	406	406	406
127	Mr. Fay	To Provide for Supervision of Banks Other than State or National.....	212	280	281	289
128	Mr. Strom	To Prohibit Mortgaging of Real and Personal Property in Same Instrument, and Penalties Therefor.....	212	288	240	240
129	Mr. Cope	To Regulate Fees of Clerks of District Courts in State.....	212	280	299	299
130	Mr. Oliver.....	To Amend Sections 6885 and 6877, Penal Code, Being Sections 6886 and 6888 Compiled Laws.....	212	280	299	299
131	Mr. Oliver.....	To Fix Maximum Passenger Rate on Railroads in North Dakota.....	212	280	299	299
132	Mr. Lamb	To Amend Section 1, Chapter 50, Session Laws of 1887, Salaries of Registers and County Treasurers.....	212	280	300	300
133	Mr. Yegen	Requiring County Physicians to Visit all Sick in County or Counties of Same District upon Request.....	236	286	289	289
134	Mr. Erickson	To Amend An Act to Provide for System of Accounts for State Auditor and Treasurer.....	236	286	289	289
135	Mr. Erickson	To Amend Chapter 48, Laws of 1889, An Act to Amend Section 103, Chapter 28, Political Code..	236	286	289	289
136	Mr. Beardsley	To Appropriate Money for Maintenance of the Public Offices of the State.....	236	286	289	289
137	Mr. Yegen	Joint Resolution in Reference to Fort Rice Military Reservation.....	237	237	239	239
138	Mr. McKendry	To Declare Certain Mills Public Mills, Fixing Rates of Toll and Exchange, etc.....	237	237	239	239
139	Mr. Daily.....	Regulating Compensation of School Officers.....	237	237	239	239
140	Mr. Christianson ..	To Provide for Acquisition of Land for Township Cemeteries	237	237	240	240
141	Mr. Colosky	To Provide for Expenses of Railroad Commissioners to Attend National Convention of Same....	237	237	240	240
142	Mr. Havrevold	To Amend Sections 7 and 10, Chapter 91, Laws of 1890, Pertaining to Marriage Licenses.....	237	237	240	240
143	Mr. Douglas.....	To Amend Section 70, Chapter 62, Laws of 1890, Free Public Schools, etc.....	259	259	281	281
144	Mr. Daily	An Act Allowing Cattle, Horses and Mules to Run at Large	259	259	281	281
145	Mr. Gill	To Repeal Section 41 of Chapter 62, Laws of 1890, Free Public Schools.....	259	259	276	276
146	Mr. Triplett	Requiring Railroads to Use Automatic Couplers and Brakes, etc	259	259	300	300
147	Mr. Williams.....	To Repeal Section 2, Chapter 88, Laws of 1890, Providing for Lien on Threshing Machines....	259	259	281	281

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.		Second Reading.	
				First Reading.	Second Reading.	Reference.	
148	Mr. Burton	To Regulate Practice of Veterinary Medicine, Surgery, Dentistry in the State	259	259	300	300	
149	Mr. Cope	To Abolish the Office of County Justice and Constable Under Township Government	259	260	281	281	
150	Chairmen of Senate and House Committee on Military Affairs						
151	Mr. Burton	To Repeal Chapter 94, Laws of 1891, to Amend Sections 1920, 1922, 1928, 1936, 1937 and 1972.... To Make Notes, etc., of Official Stenographers Same Force as Depositions	277	278	282	....
152	Mr. Cope	Proposed Amendment to Constitution, Amending Section 217, Article 22	278	278	300	300	
153	Mr. Brown	To Appropriate Funds to Carry Out Provisions of Chapter 24, Laws of 1890	278	278	300	300	
154	Mr. Dennett	To Provide for Erection of Grain Warehouses, etc., on Right of Way of Railroads, etc.	278	278	300	300	
155	Mr. Walton	To Repeal Chapter 27, Laws of 1890, Inspection of Steam Boilers, etc., License of Engineers	278	278	300	300	
156	Mr. Dennett	To Amend Chapter 46, Laws of 1890	278	278	301	301	
157	Mr. Dennett	To Reimburse Prof. E. J. Babcock for Services Rendered the State	278	278	301	301	
158	Mr. Dennett	To Amend Section 20, Chapter 119, Laws of 1890..	278	279	301	301	
159	Mr. Dennett	To Amend Section 30, Chapter 132, Laws of 1890..	279	279	301	301	
160	Mr. Hanson	To Amend Section 49, Chapter 4, Penal Code, Punishment of Sabbath Breaking	279	279	301	301	
161	Mr. Strom	To Amend Section 1995, Compiled Codes, Vacancies in Office of County Commissioner	279	279	301	301	
162	Mr. Strom	To Amend Section 3, Chapter 1, Justice Code, Code of Procedure in Justice Court, etc.	279	279	301	301	
163	Mr. Strom	To Compel Railroad Companies to Use Automatic Brakes and Couplers	279	279	301	301	
164	Mr. Thompson	Relating to Independent School Districts	279	279	302	302	
165	Mr. Richie	Joint Resolution for Submission of Amendment to Constitution	279	279	302	302	
166	Mr. Brown	Joint Memorial to Senate and House of Representatives of the United States, etc.	287	338	363	363	
167	Mr. Holte	To Regulate Fees of District Court Clerks in the State	287	338	338	338	
168	Mr. Dennett	To Provide for Holding of Farmers' Institutes....	287	338	363	363	
169	Mr. Peabody	To Increase Jurisdiction of Justice Courts	287	338	....	....
170	Mr. Thompson	To Provide for Procuring and Using Copies of Pleadings, etc., When Originals are Lost, etc.	287	339	363	363	
171	Mr. Gill	To Amend Chapter 81, Section 1, Laws of 1890, to Amend Section 2, Chapter 88, Laws of 1889....	288	339	364	364	
172	Mr. Hodgson	Authorizing Civil Townships to Issue Bonds for Seed Grain	288	341	342	342	
173	Mr. Noltmier	To Amend Sections 2 and 10, Chapter 100, Laws of 1890, Oil Inspection	288	342	364	364	
174	Mr. Hanson	To Provide for Protection of Fish, Erection of Chute Over Dams, etc	288	342	364	364	
175	Mr. Oliver	To Provide for Destruction of Noxious Weeds	337	337	364	364	
176	Mr. Oliver	To Amend Section 2, Chapter 149, Laws of 1890, Great Seal	337	337	364	364	
177	Mr. Oliver	To Define Criminal Jurisdiction of County Courts, etc	337	337	364	364	
178	Mr. Kearney	To Protect the Cheese Industry in North Dakota..	337	337	364	364	
179	Mr. Lutz	To Adjust Delinquent Taxes Due the State from the Several Counties	337	336	356	356	

HOUSE BILLS—Continued.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
480							695							
386	424						424							
488 488	809 553	440	554			309	734	734				796	802	823
386	453	386				453								
317 318	346		341		341	321 327 329 341	597							
563						563								
386 438 490	490	440	490				754	754				824	829	
352 506 553	550		550			353 442 508								
410	579	410	580				747	747				796	802	
418 587	485		485				779					812	828	
351	453	351	453				751	751	753			787	792	822
542 582 623	647	583		647										
353 440						354 440								
401	422					422								
352	395		395											
382						455								
483 586	553 572	572	573			553	755	755				791	802	
688	707			708										
400 420	425		426				813					831	830	
585		585												
563	638					638 339								
401	422					422								
401	422			423										
400 439 492 671	520	440	521			342	637	637					698	696
409 492	519		519											
492	518		518											
401 433 494	454	402 454	454				759	759				786	792	821
402 440 479	424	424	455											
402 440 479	455	403 455	456				743	743	745			791	802	
433 582 623	639		639			583						828		
400 441	421		421				779					811		

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading.	Reference.
180	Mr. Fay	To Amend Section 1, Chapter 96, General Laws of 1889, etc	887	556	357	357
181	Mr. Gill	To Provide for Registration of Births and Marriages, Deaths, etc	338	338	390	390
182	Mr. Colosky	To Exempt Volunteer Firemen from Jury Duty and Paying Poll Tax	338	356	357	357
183	Mr. Satterlund	To Increase Revenue of State by Changing and Increasing Boundaries of Certain Counties	338	356 387	357	357
184	Mr. Cope	To Provide Appropriation for Manufacture of Potato Starch	355	355	368	368
185	Mr. Erickson	To Repeal Chapter 117, Laws of 1890	355	355	390	390
186	Mr. Gill	To Amend Section 9, Chapter 69, Laws of 1889, Insurance, etc	355	389	390	390
187	Mr. McCulloch	To Legalize Oaths and Acknowledgements Taken by Registers of Deeds, etc	356	356	390	390
188	Mr. Foss	To Provide for Assessment and Taxation of Railroads, etc	356	356	390	390
189	Mr. White	Appropriation for Governor to Pay Expenses of Indian Outbreak	358	358	390	390
190	Mr. Yegen	Relating to Practice of Medicine and Attendance of Physicians, etc	388	388 685	391 695	391
191	Mr. White	To Provide for Erection, Operation and Management of Normal Schools, etc	388	388	391	391
192	Mr. Burton	To Amend Chapter 155, Laws of 1890, Damage to Sheep by Dogs	388	388 685	391 685	391
193	Mr. Richie	To Amend Section 187, Chapter 150, Laws of 1890 Liens upon Crops, etc	388	388	392	392
194	Mr. Larson	To Amend Section 5136, Chapter 13 of Compiled Laws of State	388	388	392	392
195	Mr. Gill	To Provide for Compilation, Publication, etc., of the Laws of the State	388	388	392	392
196	Mr. McCulloch	To Provide for Extinction of Real Estate Mortgages by Foreclosure	388	388	392	392
197	Mr. Lutz	To Provide for Publication of Reports of Opinions of Supreme Court, etc	389	389	392	392
198	Mr. Lutz	To Provide for Probate and Recording of Foreign Wills, etc	389	389	392	392
199	Mr. Oliver	To Provide for Necessary Expenses of State Officers, when Traveling Officially	391	391	392	392
200	Mr. Brown	To Amend Section 6, Chapter 122, General Laws of 1890	398	398	398	398
201	Mr. Skinner	To Encourage Sugar Beet Culture, and Making Appropriation	403	403	420	420
202	Mr. Holritz	To Declare Certain Mills, Public Mills Fixing Rate of Tolls, etc	403	403	421	421
203	Mr. Ebbighausen	To Regulate the Practice of Medicine in State, etc	403	403 516 546	421 421 421	421
204	Mr. Loomis	Authorizing Counties to Raise Funds to Encourage Immigration	419	419	436	436
205	Mr. Kearney	Appropriation to Pay James M. Gleason, Janitor at Capitol	419	419	436	436
206	Mr. White	To Repeal Section 2, Entitled "An Act to Prescribe Penalties for Intoxicating Liquors, etc."	419	419	426	426
207	Mr. White	To Amend Section 3, Same as Bill No. 1208 (Intoxicating Liquors)	419	419	426	426
208	Mr. Oliver	To Amend Article 15, Chapter 73 of Laws of Seventeenth Session (Territorial)	419	419	436	436
209	Mr. Davis	To Amend Chapter 50, Laws of 1890, Compensation, Judge of County Court, etc	435	435	448	448

HOUSE BILLS—Continued.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
387 488	488		489											
605 642	649		650											
387 489 478	551	440	552			387								
444 478 588	449	444	450			449	504	504				619	621	640
418	484		485											
409	455					455								
483 582 664						583 701								
402 492	423	423	424											
666 715	700	701	701											
412 490	434		434				546	546				568	572	589
586 597	699	587	699											
482 608 654	672	610	673 797			583	748 793	748 793	749 797			812	828	
534 587 708	696	585 697	696											
408 608	579		579									831	830	
445	689					445 640								
537 587	598	587	598				759	759				786	792	
409						409								
409 492	573		573				751	751	751			780	786	821
506 524	590		590											
563						563								
447	594	595	595									831	830	
482 562	644	644		645		548 550 562 652	818							
605 642	652	605 652	653											
481 517	602		603 810				810							
538 576	592 640	640	641 593	621		621	804					819	829	
563	620		620				779					792	802	822
632						632								
632	677	677 681				619 632 673 676 711								
480	573	480	574				759	759				788		

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading.	Reference.
210	Mr. Davis	To Prohibit Transaction of Private Business by County Officials, etc	435	435	448	448
211	Mr. Daily	To Regulate Fees of County Treasurers,	435	435	448	448
212	Joint Committee....	To Regulate Grain Warehouses, Inspection, Weighing, Etc. of Grain, etc	435	487	487	487
213	Mr. Burke	To Supply S. O. V. with Arms, Accoutrements, etc	435	435	449	449
214	Mr. Ward	To Amend Chapter 132, Laws of 1890, Assessment and Tax Levy, etc.	435	435	449	449
215	Mr. Yegen	Appropriation to Pay John A. McLean for Brick (Penitentiary)	447	447	488	488
216	Mr. Triplet;	To Amend Section 1, Chapter 22, Laws of 1890, Establishing Boards of Health	448	448	448	448
217	Mr. Williams	To Amend Section 1, Chapter 93, Laws of 1889, to Repeal Section 5, Same Chapter	448	448	448	448
218	Mr. Smith	To Define Responsibility of Persons Operating Steam Threshing Machines	448	448	488	488
219	Mr. Davis	To Amend Section 55, Chapter 21 of Political Code, Revised Statutes, 1887	486	486	516	516
220	Mr. Erickson	To Provide for Publication and Distribution of 500 Copies of the Revenue Law as Amended,	486	486	516	516
221	Mr. McKendry	To Relocate State University at some more Central Point	486	486	.....	.....
222	Mr. Noltmier	To Prohibit Prize Fighting, and Sparring Matches	487	487	516	516
223	Mr. Williams	To Repeal Chapter 20 of Special Laws of 1885.	514	514	514	514
224	Mr. Lamb	To Create Office of State Superintendent Irrigation, Etc	515	515	515	515
225	Joint Committee on Revenue and Taxation	To Amend Chapter 132, Laws of 1890, Mode of Making Assessment, etc	515	545	545	....
226	Joint Committee on Revenue and Taxation	To Amend Section 3, Chapter 100, Laws of 1890. . .	515	515	545	....
227	Joint Committee on Revenue and Taxation	To Repeal Section 7 of Chapter 90, Laws of 1890. .	515	515	545	....
228	Mr. Ebbighausen ..	To Provide for Changing Boundaries of Incorporated Cities, Towns, etc.	515	515	545	545
229	Mr. Hall	To Amend Paragraph 5, Article 7, Chapter 9, Political Code, 1887, etc	544	544	544	544
230	Mr. Brooke	Attaching Certain Territory to County of Ramsey	544	544	544	544
231	Mr. Douglas	To Fix Salary of Lieutenant Governor	544	544	544	544
232	Mr. Daily	To Amend Sections 49 and 53, Chapter 132, Laws of 1890	544	544	544	544
233	Mr. Daniel	To Repeal Section 4, and Amend Sections 6 and 7, Chapter 184, Laws, 1890, Usury, etc	544	544	544	544
234	Mr. Oliver	To Appropriate \$8,500 for Compiling Laws of State of North Dakota	544	544	544	544
235	Ms. Osgood	To Repeal Chapter 110, Laws of 1890, Entitled "Prohibition"	544	544	544	544
236	Mr. McCulloch	To Require County Treasurers to Deposit County Funds, etc	545	545	545	545
236	Mr. McCulloch	To Repeal An Act to Provide for Maintenance Military, etc	545	545	545	545
238	Mr. Peabody	To Amend Section 1, Chapter 78, Laws of 1890, Publication, Insurance Statements	545	545	545	545
239	Mr. Tufts	To Punish Counterfeiting of Labels, Trade Marks, etc	545	545	545	545
240	Mr. Davis	To Promote Irrigation	567	567	567	567
241	Mr. Walton	Giving County Treasurers Power to Deposit Funds in Bank	567	567	567	567
242	Mr. Peterson	To Authorize One or More Towns to Employ a Family Physician	568	568	568	568

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.			
			Introduction.	First Reading.	Second Reading.	Reference.
243	Mr. Yegen	To Renew Stock Certificates When Lost or Destroyed	568	568	568	568
244	Mr. Oliver	Appropriation to Pay Expenses Incurred by Second Legislative Assembly	589	589	589	589
245	Mr. Loomis	Authorizing Commissioners of United States Courts to Administer Oaths	589	589	589	589
246	Joint Committee on Education	For Compiling and Codifying School Laws	608	.....	.....	.....
247	Mr. Skinner	Providing for Reapportionment of State into Senatorial Districts	610	610 685	.....	.....
248	Mr. Gill	To Amend Section 1, Chapter 182, Laws of 1877, being Section 3024, Compiled Laws, 1887	611	611	611	611
249	Mr. Lamb	To Prevent Property from Escaping Taxation, etc.	611	611	611	611
250	Mr. Lutz	Appropriating Funds to Improve Water Supply for Insane Hospital	634	634	634	634
251	Mr. McKendry	To Regulate Agriculture and Provide for Encouragement of New Industry	634	634	634	634
252	Mr. Daniel	Providing for Appointment of Notaries Public, Penalties, etc	685	672	672	.....

HOUSE BILLS—Continued.

Reported Back.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Committee Appointed.	Enrolled.	To Governor.	Further Action.
606 646	689		680											
610	616		617				799					780		821
690	693		693											
							603							
						611 635								
	690	691 704	691 704											
						690								
668	665	665					794		794					828
712	701	702	702			635						811		822

SENATE BILLS.

Number.	TITLE.	When Received.
1	Appropriating Section 36, Township 140, Range 49, to Agricultural College.....	75
2	Regulating Appeals from District Courts to Supreme Court, and Repealing Chapters 2 and 16 of Code of Civil Procedure, (Levissee's Code), and Chapters 20 and 26 of Session Laws of Dakota Territory for the Year 1887; also Sections 5213 to 5239, both Inclusive, of Compiled Laws, Dakota Territory.....	83
3	Regulating the Practice in the Supreme Court.....	91
6	Providing for the Collection, Arrangement and Display of the Products of North Dakota at the World's Columbian Exposition of 1893.....	471
9	Memorializing the President of the United States, the Secretary of War, and both branches of the National Congress for the Enlargement of Fort Abraham Lincoln and for an Increased Number of Troops at said Post.....	108
10	Amending Section 15 of Chapter 24 of Political Code, entitled Incorporation of Towns and Cities.....	288
11	Legalizing the Action of the Governor, Chief Justice and Secretary of State, acting as a State Board of Canvassers.....	195
12	Amending Sections 48, 57, 62, 63, 64, 65, 66, 67, 68, 69 and 70, of Article 6, and Sections 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101, of Article 7, and Section 164, of Article 17 of an Act Providing for a Uniform System of Public Schools.....	335
15	Providing for the Protection and Regulation of Primary Elections.....	615
17	Authorizing the Governor to Restore to the Elk Valley Farming Company, Land Conveyed to the Territory of Dakota, according to Section 1, Chapter 13, Special Laws of 1893.....	72
18	Amending Section 33, Chapter 2, of an Act Passed at the First Legislative Assembly of the State of North Dakota, known as the School Law.....	408
19	Paroling Prisoners.....	163 336
20	Amending an Act Providing for Establishing Independent School Districts in Cities Heretofore Organized for School Purposes under Special Laws, and Provided with Boards of Education.....	71
23	Providing for a Board of State Canvassers.....	212
24	Authorizing County Commissioners to Dispose of Real Estate bid in at Tax Sales	212
27	Amending Section 18, Chapter 152, Session Laws of 1890, Authorizing Counties to Bond for Seed Grain for Needy Farmers thereof.....	314
29	Appropriating Section 36, Township 133, Range 48, to the Academy of Science at Wahpeton.....	88
31	Amending Chapter 175, Laws of 1890, Relating to Transfer of Certain County Funds.....	238
33	Fixing Maximum Rates for Transportation of Native Coal.....	335
35	Providing for Cancelling Certain Illegal Taxes on Railroad Grant Lands, upon which United States Survey Fees had not been Paid.....	335
36	Defining the Boundaries of the Fifth Judicial District, Subdividing the Same, and Fixing Time for Holding Terms of Court Therein.....	370
37	Relating to the Collection of Personal Property Taxes of 1890.....	258
39	Requiring County Commissioners to Give and File a Bond.....	213
41	Amending Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, Relating to Marriage License.....	870
45	To Prevent the Branding of Horses, Mules, Asses and Cattle During Certain Seasons of the Year.....	213
47	To Establish a Standard of Measures and Weights, and Providing Penalties for Violations Thereof.....	565
48	Making Appropriation to Carry Out the Provisions of Chapter 188, Laws of 1890, Regulating Warehouses, Inspection, Weighing and Handling of Grain.....	213
49	Relating to Sale of Property under an Execution, Decree, Mortgage or Lien.....	369
50	Proposing to Amend Section 182, Article 12, of the Constitution of the State of North Dakota, to Increase the State Debt Limit.....	437
53	Fixing the Compensation of the Judges of the County Courts and County Auditors in Counties having less than One Thousand Population.....	270
55	To Prevent the Illegal Branding, Killing, Stealing, Maiming or Driving Stock, the Property of Another Person, from their Accustomed Range.....	258
58	Making Appropriation for Erecting Buildings for the State Agricultural College at Fargo, and for Contingent Expenses Incident Thereto.....	335
59	Making Appropriation for Erecting Buildings for the State Normal School at Mayville, and for Contingent Expenses Incident Thereto.....	336
60	Making Appropriation for Erecting a Soldiers' Home at Lisbon, and for Contingent Expenses Incident Thereto.....	336

SENATE BILLS.

First Reading.	Second Reading and Reference.	Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Action.
77	77	79	83 86		82	83			
91	92		217 219 826		204	204		246	
92	92		217	205	204	205			
660	660		660	795	660 794	795			
115	124	190	804		220	220			
342	347	433			749		749		
203	218	232	406		365	366			
405	426	512	521		529		529		
658	658		761		761 764		764		
73	82				104	104			
441	442	558	442	723	723	724			
174	174	388	381 439		397	398			
73	82	89	116 127	115	115	116			
245	245	539		539	759	760			
247	247	278	527	366	366	366			466
			345						
92	92	95	103 113		101	103			
342	347	370 445	403 428		396 772	772	397		
344	345	527	741 746	741	741	741			
344	345	401	428 738		428	710			
404	427	445			733	734			
365	396	512 561	562 577		575	576			
247	247	272					272		
404	427	445			765	765			
247	247	316	526		459	460			523
659	659				727		727		
247	247	316 414			471		472		
404	426	445	447				449		
657	657		738		719	719			
342	347	558					558		
365	396	630	726		726	726			731
343	346	413		527	465	466			
343	345	415	468	499	468		469		
343	346	413		527	466	467			

SENATE BILLS—Continued.

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61	Providing Funds for the Construction and Maintenance of the State Normal School at Valley City	336
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343	346	412		527	462	463			
343	346	413			462	464		519	548
208	218			489	367	367			405
345	345	400		746	762	763			
343	346	416			469		469		
661	661				736	737			
659	659				776		776		
247	247	272 294	294	489	367	368			405
342	347	382			427	428			
662	662				782		782		
661	661				777		777		
661	661				747		747		
345 662	346 662			489	428 740	429 741			
660	660				774	774			
247	247	382							
208	208		270 272	219	219	219			
662	662				775	775			
404	427	492		489	457	458			
342	347	412		527	461	462			
344	346	416		527	470	470			
344	345	412	478	619	472	473			580
343	346	689			783	783			
661	661				721		721		
658	658			742	743	744			
663	663				775	775			
661	661				768		768		
660	660				740		740		
659	659			750	787		787		
720	720			816	784	816	784		
657	657			764	764				
658	658				735	735			
404	427	587		759			758		
344	344	510					510		
658	658				761	761			
404	427	444			727	727			

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662	662			782	771	782	771		
441	441	513		521	529	529			
661	661				770	770			
404	427	482			721	722			
662	662				760		761		
662	662				774		774		
344	346	383 432		432 483	458	458			488
662	662				734		734		
658	658				769	769			
659	659			739	739		740		
659	659				742	742			
398	398	412		527	464	464			
662	662				777	777			
344	346	417			470		471		
397	397	412		412 465	465	465			
658	658			527					
				767	767		767		
426	426	446		498	459	459			
441	441	564	787	441	737	738			747
661	661			722	722	723			
662	662				766		766		
657				657	777		657 777		
555	555	689			752		752		
659	659				772	772			
660	660				776		776		
660	660		715	627	715	716			731 749
662	662				728		729		
657	657				785	786			
658	658				773		773		
554	554	560			758	758			

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720	720			799	790	799	790		
659	659				778	778			
555	555				762	762			
660	660				749		749		
554	554	560		721 742	746	746			
542	542	560		560 565 575	561	561			
660	660			627	724	725			
660	660				737		737		
657	657				729		729		
626	626			625 627 782	782	738			
660	660				730	731			
661	661								
660	660				731	731			
554	554	562			757	757			
658	658				773		773		
658	658				725	725			
554	554	564		624 713	624 705	706			
657	657			729	729	729			
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- MR. THOMPSON—Bills—169 279 287.
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