

STATE OF NORTH DAKOTA

---

**JOURNAL OF THE SENATE**

of the

**SPECIAL SESSION**

of the

Sixteenth Legislative Assembly

---

*Begun and held at the Capitol at Bismarck,  
November 25 to December 11, 1919,  
Inclusive*



BISMARCK TRIBUNE COMPANY  
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BISMARCK, NORTH DAKOTA

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Journal of the Senate

Sixteenth Legislative Assembly

FIRST DAY

SENATE CHAMBER.  
BISMARCK, NORTH DAKOTA,  
November 25, 1919.

At the hour of 12 o'clock M., being the day and hour appointed by the Governor for the convening of the Special Session of the Sixteenth Legislative Assembly, pursuant to the following proclamation issued by the Governor October 29, 1919:

"By virtue of the authority vested in the governor by the constitution and laws of the state of North Dakota, and in pursuance thereof, I herewith call the legislature to convene in extraordinary session at the capitol at Bismarck at 12 o'clock noon, November 25, 1919, to consider and act upon the following subjects of legislative business:

"First: The ratification of the woman's suffrage amendment to the federal constitution.

"Second: To provide aid for farmers of the drouth stricken districts.

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

Members of the Senate assembled in the Senate Chamber and were called to order by President Wood.

Prayer was offered by the Chaplain, Rev. Alfson.

The roll was called and the following Senators were present:

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

Mr. Ingerson moved that all absent members be excused which motion prevailed and they were excused.

Mr. Drown moved that the rules of the last session be in force until 2 o'clock P. M., Nov. 26th.

Which motion prevailed.

Mr. Fraser nominated Benjamin C. Okert as Sergeant-at-Arms of the Senate.

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There being no further nomination the roll was called and those who voted for Mr. Okert were:

Beck, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hunt, Hyland, Ingerson, Jacobsen, King, Liederbach, Mees, Mortenson, Mostad, Morkrid, Murphy, Nelson, Noltmier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Absent and not voting—Benson, Berg, Carey, Hemmingen, Kendall, Levang, McBride, McCarten, Micklethun, Sikes, and Mr. Okert was declared elected Sergeant at Arms.

The President administered the oath of office to the Sergeant at Arms Elect, Benjamin C. Okert.

Mr. Liederbach moved that a committee of three be appointed by the President to wait upon the House and inform the members thereof that the Senate is organized and is ready for the transaction of business.

Which motion prevailed and the President appointed as such Committee Messrs. Liederbach, Murphy and King.

Mr. Hagen moved that a committee of three be appointed by the President to wait upon the Governor and inform him that the Senate is organized.

Which motion prevailed and the President appointed as such committee Messrs. Hagen, Hunt and Haggart.

Mr. Pendray moved that all standing committees which served during the regular session be empowered to act during this special session.

Which motion prevailed, and it was so ordered.

Mr. Church moved that a committee be appointed by the President to introduce suitable resolution in regard to the death of Senator Gibbens.

Which motion prevailed. The President appointed as such committee Messrs. Church, Hyland and McCarten.

Mr. Wenstrom moved that a committee of three be appointed by the President to act with a like committee from the House to wait on the Governor and ascertain the pleasure of the Governor as to the time he wishes to deliver his message to the joint assembly.

Which motion prevailed and the President appointed as such committee Messrs. Wenstrom, Stenmo and Jacobsen.

#### A MESSAGE FROM THE HOUSE

A select committee of the House informed the Senate that the House is now organized and ready for business.

Mr. Fleckten moved that the Senate recess subject to the call of the President, which motion prevailed and the Senate recessed.

The Senate was called to order by the president.

#### A MESSAGE FROM THE HOUSE

A select committee of the House informed the Senate that the House will be ready to receive the Senate in joint session at 1 o'clock.

Mr. Fraser moved that there be a committee appointed on mileage and per diem by the President, which motion prevailed and the President appointed as such committee

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Messrs. Hunt, Whitman and Benson who constituted such committee at the last regular session.

Mr. McNair nominated, as employees of the Senate the following:

- Assistant Secretary.....M. A. Stanley
- Desk Stenographer.....T. C. Madden
- Enrolling & Engrossing Clerk.....Harry Dence
- Assistant Enrolling & Engrossing Clerk.....N. G. Grovum
- Assistant Enrolling & Engrossing Clerk.....Abner Larson
- Bill Recording Clerk.....A. W. Leuhrs
- Bill Room Clerk.....H. A. Thomas
- Messenger & Post Master.....Dave Swett
- Cloak Room Clerk.....Anthony Erickson
- Clerk, State Affairs.....Stephen Terhorst
- Clerk, Appropriation.....Chas. Joice
- Committee Clerk.....C. L. Siebel
- Custodian.....I. Sanford
- Custodian.....H. J. Young
- Special Clerk & Messenger ..... Mr. Skaggs
- Special Clerk & Messenger ..... W. Yegen
- Special Clerk & Messenger ..... Morris Fitzgerald
- Stenographer.....Mrs. S. G. Mason
- Stenographer.....C. H. Carlson
- Stenographer.....Rena Melchor
- Stenographer.....Miss June Sturges
- Mailing Clerk.....Rueben Harper
- Doorkeeper ..... Louis Clooten

Those who voted for those nominated were:

Beck, Bowman, Cahill, Church, Drown, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hunt, Ingerson, Jacobsen, King, Liederabch, McBride, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Benson, Berg, Carey, Ettestad, Hemmingsen, Hyland, Kendall, Levang, McCarten, Olson, Ployhar, Sikes.

So the foregoing were declared elected.

The President administered the oath of office to the following employees:

M. A. Stanley, Assistant Secretary; T. C. Madden, Desk Stenographer; A. W. Leuhrs, Bill Recording Clerk; Stephen Terhorst, Clerk State Affairs Com.; C. I. Siebel, Committee Clerk; Reuben Harper, Mailing Clerk; Mrs. S. G. Mason, Stenographer; C. H. Carlson, Stenographer; Miss June Sturges, Stenographer.

The committee appointed to confer with the Governor as to the time of his address offered the following report:

The Governor has informed your committee that he desired to meet the House and Senate in joint session at 1:30 o'clock P. M.

Mr. Cahill moved that the Senate recess subject to the call of the President.

The Senate was called to order by the President.

A MESSAGE FROM THE HOUSE

A select committee of the House informed the Senate

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that the House was ready to receive the Senate in joint assembly.

Mr. Ettestad moved that the Senate proceed to the House for a joint session.

Which motion prevailed, and the Senate proceeded to the House.

The Senate reassembling, the President presiding.

Mr. Cahill moved that the Senate do now adjourn, which motion prevailed, and the Senate adjourned.

#### SECOND DAY

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA.

November 25, 1919.

The Senate assembled at 2 o'clock P. M., the President Presiding. Prayer was offered by the Chaplain, Rev. Quigley.

The roll was called and the following Senators were present:

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

Mr. Wenstrom moved that all absent Senators be excused which motion prevailed, and it was so ordered.

#### INTRODUCTION FIRST AND SECOND READING OF SENATE BILLS

The State Affairs Committee introduced Senate Bill No. 1. A JOINT RESOLUTION, Ratifying a proposed amendment to the Constitution of the United States.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

WHEREAS, the 66th Congress of the United States of America, at the first session begun and held at the City of Washington on Monday, the 19th day of May, 1919, by a constitutional majority of two-thirds thereof, made and passed the following proposal to amend the Constitution of the United States of America in the following words. to-wit:

#### "JOINT RESOLUTION

Proposing an amendment to the Constitution extending the right of suffrage to women.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States.

#### 'ARTICLE.....'

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.”

THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of North Dakota, duly convened, that the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislative Assembly of the State of North Dakota.

AND BE IT FURTHER RESOLVED, that certified copies of this Joint Resolution be forwarded by the Governor of this State to the Secretary of State for the United States of America at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

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

Mr. Cahill moved that the Senate do now take a recess until 1 o'clock P. M. tomorrow, which motion prevailed, and the Senate recessed.

W. J. Prater,  
Secretary.

## SECOND DAY AFTER RECESS AND THIRD DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
November 26, 1919.

The Senate reassembled at 1 o'clock P. M., pursuant to recess taken.

The Senate returned to the Eighth Order of Business.

Mr. McNair moved that Mr. T. Martell be made Clerk of the Judiciary Committee.

Which motion prevailed and the following voted for Mr. T. Martell:

Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McBride, McNair, Mees, Mortenson, Mostad, Mor-krid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendra, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Haggart, McCarten, Ployhar, Sikes.

The President declared Mr. T. Martell elected.

The President administered the oath of office to the following employees:

Mr. I. Sanford, Custodian; Mr. N. G. Grovum, Assistant Enrolling and Engrossing Clerk; Mr. Anthony Erickson, Cloak Room Clerk; Mr. H. J. Young, Custodian; Mr. Chas. Joice, Clerk Appropriations Com.; Mr. Skaggs, Special Clerk and Messenger; Mr. Dave Swett, Messenger and Postmaster; Mr. T. Martell, Clerk Judiciary Com.; Mr. Louis Clooten, Doorkeeper; Mr. W. Yegen, Special Clerk & Messenger.

Mr. Mees moved that the Rules of the last Regular Session govern the Senate during this Special Session.

Mr. Hyland moved to amend the motion so as to include that Section 30 of the Rules of the Senate may be changed by a majority vote of the members elected and that a Committee on Joint Rules be instructed to take up the matter with the Joint Rules Committee of the House and that in Section 10, Line 5, of the Joint Rules the word "four" be changed to the word "two."

*Mr. Mees:* I accept that amendment.

Mr. Fraser moved to amend the amendment of Mr. Hyland to read that the Senate accept these Rules temporarily until such time as the Committee on Rules is ready to report.

Which motion prevailed.

The amended motion was then put by the President.

Which motion prevailed and the Senate Rules of the last session were declared in force until the Committee on Rules reports.

Mr. Mees moved that the Senate do now adjourn.

Which motion prevailed, and the Senate adjourned.

## THIRD DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
November 26, 1919.

The Senate assembled at 2 o'clock P. M.

The President presiding.

Prayer by the Chaplain, Rev. Flint.

The roll was called, and the following Senators were present.

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

## REFERENCE TO THE JOURNAL

*Mr. President:* Your Committee on revision and correction of the Journal report as follows:

On Page 1, Line 27, change the name "Cary" to "Carey."

On Page 2, Line 4, change the name "McMartens" to "McCarten."

On Page two, Line forty-four, change the word "Session" to "Senate."

On Page three, Line nine, change the letter "C" to "W."

On Page three, Line twenty-two, insert the name "Ward" between the names "Storstad" and "Weber."

On Page four, Line fourteen, insert the word "Introduction" before the word "First."

Following the last line on Page four add the words

W. J. PRATER,  
Secretary.

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

Mr. McNair moved that the report be adopted.

Which motion prevailed, and the report was adopted.

## COMMUNICATION AND PETITIONS

*To the Hon. Members of the Sixteenth Legislative Assembly in Special Session Assembled:*

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

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

Endorsed by a vote of the people at a meeting held at the Plymouth Congregational Church, at Fargo, North Dakota, on November 23, 1919.

Signed by E. C. Ford,  
Chairman.

Signed by Rev. McGinnis and endorsed by 89 people of the Presbyterian Church of Park River, N. Dak.

Signed by Rev. Medland and 50 people at a meeting held in the school house at Park River, N. Dak.

Signed by Walter E. Valer and endorsed by 150 people at the Drayton M. E. Church.

Signed by Rev. T. M. Richmond and forty-five others at the First Presbyterian Church, Portal, N. Dak.

Signed by B. F. Stump and endorsed by the Congregation of the First Baptist Church of Cavalier, N. Dak.

Signed by Mrs. Richard McFadden and 25 people at the Tyner Community, Tyner, N. Dak.

Signed by E. Jordan, Pastor Presbyterian Church, Hazelton, N. Dak., and 100 others.

#### TELEGRAM

Hon. E. Flekten,  
Bismarck, N. D.

Kenmare, N. D.,  
November 25, 1919.

Dear Sir: The Baptist Church of Kenmare, N. D., assembled and voted unanimously against repealing or weakening any and all laws prohibiting Sunday theatre and moving picture and shows, anti-cigarette law and the law against commercializing the baseball games petitions mailed to representative.

J. L. NORDELL,  
HENRY HJORT.

The Committee on State Affairs made the following report:

*Mr. President:* Your Committee on State Affairs to whom was referred Senate Bill No. 1, "A Bill for a Joint Resolution ratifying a proposed amendment to the Constitution of the United States for woman's suffrage."

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

J. I. Cahill,  
Chairman.

Mr. Cahill moved that the report be adopted and the report was adopted.

Mr. Church introduced the following resolution:  
Committee on Taxes and Tax Laws.

#### RESOLUTION

*Whereas*, This session of the Legislature was called together for special purposes, therefore,

*Be It Resolved*, by the Senate, that the time limit for the introduction of bills be, and the same is, hereby fixed at Friday, the fifth legislative day.

Mr. Church moved that the resolution be adopted, which motion prevailed, and the resolution was adopted.

Mr. Ziemann moved that all absent senators be excused, which motion prevailed and the Senators were excused.

INTRODUCTION,  
FIRST AND SECOND READING OF SENATE BILLS

Mr. Weber introduced Senate Bill No. 2, "A Bill for an Act to amend and re-enact Section 4 of Chapter 214 of the Laws of North Dakota for the year 1919, relating to the limitation of tax levies and debt limits in counties and political subdivisions thereof; repealing all Acts and parts of Acts in conflict herewith."

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

Mr. Zieman introduced Senate Bill No. 3, "A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

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

Mr. Cahill introduced Senate Bill No. 4, "A Bill for an Act to Repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

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

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Mr. King introduced Senate Bill No. 5, "A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this Act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all Acts and parts of Acts in conflict therewith."

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

Mr. Church introduced Senate Bill No. 6, "A Bill for an Act to amend and re-enact Section 2 and Section 13 of Chapter 192, Laws of North Dakota, 1919, relating to public utilities and the powers of the railroad commissioners with regard thereto."

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

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

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

Mr. Ployhar introduced Senate Bill No. 8, "A Bill for an Act to provide interest and sinking funds on bonds issued against public utilities."

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

Mr. Cahill moved that unanimous consent of the Senate be given to suspend the rules and that Senate Bill No. 1 be considered properly engrossed and put on third reading and final passage at this time.

Which motion prevailed and Senate Bill No. 1 was put on third reading and final passage.

### THIRD READING OF SENATE BILLS

Senate Bill No. 1, "A Bill for a Joint Resolution ratifying a proposed amendment to the Constitution of the United States in regard to Woman's Suffrage."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 4; absent and not voting, 3.

Ayes—Beck, Benson, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Welford, Wenstrom, Whitman.

Nays—Berg, Mees, Weber, Zieman.

Absent and not voting—Haggart, McBride, Sikes.

So the Bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 1 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Wenstrom moved that the Senate recess until 1 o'clock P. M. Friday.

W. J. PRATER,  
Secretary.

## THIRD DAY AFTER RECESS AND FIFTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
November 28, 1919.

The Senate reassembled at one o'clock P. M., pursuant to recess taken. The President presiding. The President administered the oath of office to Morris Fitzgerald as special clerk and messenger.

Mr. Bowman introduced Senate Bill No. 9, 'A Bill for an Act to amend and re-enact Article 16 of Chapter 11, compiled laws of North Dakota, 1913, relating to absent voters.'

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

Mr. Cahill introduced Senate Bill No. 10, "A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products and by-products."

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

Mr. Fraser introduced Senate Bill No. 11, "A bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned.

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

Mr. Welford introduced Senate Bill No. 12, "A Bill for an Act to amend and re-enact Sections 7, 8 and 9, Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

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

Mr. Drown introduced Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and reenacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general; and repealing Chapter 67 of the laws of North Dakota for the year 1919, relating to special assistant attorneys general."

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

Mr. Welford moved that the Senate do now adjourn which motion prevailed and the Senate adjourned.

## FIFTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
November 28, 1919.

The Senate assembled at two o'clock P. M. The President presiding.

Prayer was offered by the Chaplain, Rev. Hoffman.

The roll was called and the following Senators were present: Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingson, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

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

*Mr. President:* Your committee on revision and correction of the journal have carefully examined the Journal of the Third day and recommend that the same be corrected as follows: On page three, line one change the word "sat" to "at"; line eleven, change the number "26" to "25"; strike out lines twenty-seven, twenty-eight, twenty-nine and thirty and insert in lieu thereof the following:

J. I. Cahill,  
Chairman.

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

"J. I. Cahill, Chairman.

Mr. Church introduced the following resolution: Line fifty-six add the words "and tax laws" after the word "Taxes."

And when so corrected recommend that the same be approved.

H. H. McNair,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Fargo, N. D., Nov. 25, 1919.

Hon. John L. Mikelthun, Bismarck, N. D.

Seven hundred fifty members of the Woman's Christian Temperance Union in the Third Judicial District protest against repealing referring or in any way weakening law prohibiting Sunday theatres and moving picture show, the law prohibiting charging admission to Sunday baseball and anti-cigaret law.

KATE SWILDER,  
District President.

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

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

Endorsed by vote of 90 people at a meeting held at the Evangelical Church, at J. mestown, North Dakota, on November 23rd, 1919.

Signed by R. E. STRUTZ,  
Chairman.

E. A. Asplund and 46 others of Kulm, N. D.

Katie N. Kjørle and 250 members of the Scandinavian W. C. T. U. of Fargo, N. D.

Nellie M. Osmun and 25 others of the Congregational Church at Alamo, N. D.

Mrs. F. B. King, Treasurer W. C. T. U. and 45 others of Cooperstown, N. D.

Finley, N. D., Nov. 25, 1919.

Hon. John L. Miklethun, State Senator,

Hon. S. W. Johnson, Member of House,

Hon. Wm. Bjerke, Member of House,

Hon. S. R. Klein, Member of House,

For 16th Legislative District.

Gentlemen:

We understand that an effort will be made to enact legislation at the special session of the legislature now in session, to increase and equalize the salaries of County Officers. The Governor has signified his approval, stating that he considers the question a real emergency in view of the constantly mounting cost of living, and that it can and ought to be acted upon at the special session.

We appeal to you as fair-minded men to consider that the salaries of county officers are the same as for many years past, while the living expenses have increased until many officials especially in the smaller counties, have scarcely a living wage. The legislature recognized the conditions last winter, when provisions were made for salaries for the various state officers and deputies required under the new laws.

We trust that you will give due consideration to the measure when it comes up and feel that you will do what you consider just and equitable to all concerned.

Yours very truly,

G. H. GILBERTSON, Register of Deeds,

J. M. MARK, County Treasurer,

T. J. MIESTAD, County Auditor,

P. O. SATHRE, States Attorney,

ADAM S. MOOTE, County Judge.

M. J. MICKELSON, Clerk of Court.

ALBERT SPANOW, Sheriff.

THE WORLD WAR VETERANS

POST NUMBER ONE

BISMARCK, NORTH DAKOTA

Hon. Howard R. Wood,  
President of the North Dakota Senate,  
Bismarck, North Dakota.

My Dear Sir:—

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

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

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

Yours very respectfully,  
World War Veterans, Post Number One.

A. L. YOUNG,

Temporary Chairman.

HAROLD HOPTON,

Temporary Secretary.

The Committee on Rules made the following report:

*Mr. President:* Your Committee on Rules recommend that the rules of the last session be adopted except in so far as they are modified by Mr. Church's resolution.

CHRIST LEVANG,

Chairman.

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

The Committee on State Affairs made the following report:

*Mr. President:* Your Committee on State Affairs to whom was referred Senate Bill No. 7, "A Bill for an Act to amend and reenact Section 2 of Chapter 243 of the laws of North Dakota for 1919, relating to the destruction of predatory animals."

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

J. I. CAHILL,

Chairman.

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

Mr. Ward moved that all absent Veterans be excused, which motion prevailed and the Senators were excused.

Mr. Wenstrom moved that the Senate meet with the House in joint assembly to hear Mr. Barlow, which motion prevailed.

Mr. Church moved the adoption of the following resolution:

*Whereas*, It has pleased Him, in whose hands are all the issues of life, to remove from among us, and from those to whom he has ever been a devoted and loving husband and father, our esteemed brother and faithful friend, the Honorable Albert S. Gibbens, a member of the State Senate from Towner County, who departed this life on the 12th day of September, 1919, at his home near the City of Cando, in Towner County, therefore, we, the members of the Senate, yielding unhesitatingly to the command of an omnipotent and adorable Deity, nevertheless, sincerely deplore the loss of our departed member, whose conscientious and useful labor, both as a private citizen and a public official has contributed so materially to the development and progress of society and state.

We hold that in the greatest trials, sadness is ameliorated and sorrow is to some extent expelled by kindly sympathy, especially where the cause arises from the loss of a man of such unequalled courage, conviction and character, and we, therefore, trust the statewide sympathy, as expressed by the members of the Senate will afford comfort and consolation to Senator Gibben's family and friends.

He was a man of such sterling and unusual qualities, both of heart and of mind that to know him was to love him. His success was never achieved at the expense of honor or loss of self-respect. His long legislative career ever demonstrated

the possession of an open mind and a strong intellectual grasp of the state's affairs. His impulses were all generous and good and he gave them freest rein. There was unwonted charm in the child-like sympathy of his great and noble character.

*Be It Resolved.* That we hereby extend to his bereaved and sorrowing family our heartfelt sympathy and condolences in this their great affliction, and we view his departure from our midst with profound and personal sorrow.

*Be It Further Resolved.* That these resolutions be made a part of the permanent journal of the Senate and that an engrossed copy thereof be forwarded to the bereaved family.

Signed by the Committee,  
W. J. CHURCH, Chairman.  
R. McCARTEN,  
FRANK H. HYLAND.

#### INTRODUCTION FIRST AND SECOND READING OF SENATE BILLS

Which motion prevailed and the resolution was adopted.

Mr. Haggart introduced Senate Bill No. 14, "A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architects as a profession in the State of North Dakota."

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

Mr. McNair introduced Senate Bill No. 15, "A Bill for an Act authorizing the Commissioner of Immigration to appoint deputies, and make all necessary contracts for the purpose of carrying out the provisions of Chapter 145 of the Laws of North Dakota for the year 1919.

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

Mr. Fraser asked the unanimous consent of the Senate to return to the sixth order of business in order to submit the following report:

The Committee on Judiciary made the following report:

*Mr. President:* Your Committee on Judiciary to whom was referred Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid.

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

Strike out the title and insert the following as the title: For an Act to Repeal Chapter 67 of the Session Laws of North Dakota, for the year 1919, same being an Act entitled, "An Act providing for the appointment of Special Assistant Attorneys General by the Attorney General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

And when so amended recommend the same do pass.

R. L. FRASER,  
Chairman.

Mr. Ployhar asked the unanimous consent of the Senate to return to the eighth order of business which consent was granted and Mr. Ployhar introduced the following resolution:

### CONCURRENT RESOLUTION

Introduced by Mr. Ployhar

*Whereas*, The destroying of the Washburn Lignite Coal Company's mine at Wilton has curtailed the production of lignite coal in this state to the extent of fifteen hundred tons daily, and there is grave danger of suffering from the lack of fuel, and

*Whereas*, Under the present mining law, Chapter 168, Session Laws for North Dakota for the year 1919, it is unlawful for any miner to work more than eight hours in one day, and

*Whereas*, If all the miners in the state at the present time are compelled to operate only eight hours per day, it will be impossible to supply enough coal to prevent suffering by the citizens of our state, now therefore,

*Be It Hereby Resolved*, by the Senate, the House of Representatives concurring therein; that for the best interest of our state, it is the judgment of this legislative body that all provisions in said Chapter 168, Session Laws of North Dakota for 1919, relating to the hours of labor per day, be held inoperative until the next regular session of the legislature, and be it further

*Resolved*, That the Secretary of the Senate and Chief Clerk of the House be instructed to mail a certified copy of this resolution to the Governor, with the request that the wishes contained herein be granted.

Mr. Ployhar moved that the resolution be referred to the proper committee which motion prevailed and the resolution was referred to the Committee on State Affairs.

Mr. Cahill movd that the Senate recess subject to the call of the President which motion prevailed.

The Senate reassembled pursuant to recess taken.

### A MESSAGE FROM THE HOUSE

A select committee from the House informed the Senate that the House was ready to receive the Senate in joint assembly to hear Lester Barlow deliver his address.

Mr. Wenstrom moved that the Senate proceed to the House for joint session which motion prevailed and the Senate proceeded to the House.

The Senate reassembled, the President presiding.

The President administered the oath of office to Harry Dence as chief enrolling and engrossing clerk.

The courtesies of the floor were extended to R. W. Frazer, of Crosby, N. D.; J. A. T. Bjornson, of LaMoore, N. D.; Judge J. M. Hanley, of Mandan, N. D.; R. G. Lucke, of Fullerton, N. D.; G. Grimson, of Landon, N. D., Hans Rosewald, of Green, N. D.; Joe Dinger, of Green, N. D.

Senator Levang moved that the Senate recess until one o'clock P. M. tomorrow, which motion prevailed and the Senate recessed until 1 o'clock P. M. Saturday.

W. J. PRATER.  
Secretary.

## FIFTH DAY AFTER RECESS AND SIXTH DAY

SENATE CHAMBER.  
BISMARCK, NORTH DAKOTA.  
November 29, 1919.

The Senate reassembled at one o'clock P. M. The President presiding. The President administered the oath of office to Miss Rena Melchor as stenographer. The Senate returned to the ninth order of business.

Mr. Hemmingsen introduced Senate Bill No. 16, "A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Was read the first time.

Mr. Nelson introduced Senate Bill No. 17, "A Bill for an Act to permit the state flood control engineer to build and construct drains in Richland County, North Dakota, and to dredge, straighten, deepen and embank the Bois de Sioux river for the purpose of relieving the southeastern part of Richland County from flood and other waters, and providing an appropriation therefor."

Was read the first time.

Mr. Mees introduced Senate Bill No. 18, "A Bill for an Act to amend and re-enact Sections 2 and 5 of Chapter 139, Session Laws of North Dakota for 1919, relating to the extermination of grasshoppers."

Was read the first time.

Mr. Welford introduced Senate Bill No. 19, "A Bill for an Act Providing for the Exemption from Taxation of the Income from Moneys Deposited by Non-Residents in Banks within The State."

Was read the first time.

Mr. Bowman introduced Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to willfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Was read the first time.

Mr. Mees introduced Senate Bill No. 21, "A Bill for an Act to increase the salaries and per diem of county officers."

Was read the first time.

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

Was read the first time.

Mr. Mortenson introduced Senate Bill No. 23, "A Bill for

an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota Relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration, and to Repeal all Acts and Parts of Acts in Conflict Therewith."

Was read the first time.

Mr. Fleckten introduced Senate Bill No. 24, "A Bill for an Act to amend and re-enact Section 5 of Chapter 186 of the Session Laws of the State of North Dakota for the year 1915, relating to the support of needy women who are the mothers of, and who are compelled to support, one or more children under fourteen years of age."

Was read the first time.

Mr. Mostad introduced Senate Bill No. 25, "A Bill for an Act to amend and re-enact Section 9238 of the Compiled Laws of North Dakota for the year 1913, relating to sports on the first day of the week."

Was read the first time.

Mr. Olson introduced Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Was read the first time.

Mr. Hunt introduced Senate Bill No. 27, "A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Was read the first time.

Mr. Berg introduced Senate Bill No. 28, "A Bill for an Act providing for the enforcement of the payment of taxes due to the state or to any taxing sub-division thereof, by the state tax commissioner; and repealing all acts or parts of acts in conflict herewith."

Was read the first time.

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

Was read the first time.

Mr. Liederbach introduced Senate Bill No. 30, "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Was read the first time.

Mr. Levang introduced Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-In-Chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Was read the first time.

Mr. McCarten introduced Senate Bill No. 32, "A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict herewith."

Was read the first time.

Mr. King introduced Senate Bill No. 33, "A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Was read the first time.

Mr. Benson introduced Senate Bill No. 34, "A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; Defining the scope and manner of its operation and the powers and duties of the persons charged with its management; Making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

Was read the first time.

Mr. Pendray introduced Senate Bill No. 35, "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Was read the first time.

Mr. Ettestad introduced Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Was read the first time.

Mr. Ingerson introduced Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Was read the first time.

Mr. Liederbach introduced Senate Bill No. 38, "A Bill for a Concurrent Resolution for an Act amending the constitution of the State of North Dakota by changing the debt limit thereof and providing for issuing and guaranteeing bonds by the state, and providing that bonds issued or guaranteed by the state in excess of two million dollars shall be secured by first mortgages on certain classes of property, and providing that the state may issue bonds to build, maintain and repair highways."

Was read the first time.

Mr. Olson introduced Senate Bill No. 39, "A Bill for an Act to amend Section 852 of the Compiled Laws of North Dakota.

for the year 1913, as amended and re-enacted by Section 1, of Chapter 150, of the Laws of North Dakota for the year 1915, relating to primary elections."

Was read the first time.

Mr. Hammerly introduced Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

Was read the first time.

Mr. Oksendahl introduced Senate Bill No. 41, "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Was read the first time.

Mr. Miklethun introduced Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Was read the first time.

Mr. Jacobsen introduced Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Was read the first time.

Mr. McCarten introduced Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure."

Was read the first time.

Mr. Drown introduced Senate Bill No. 45, "A Bill for an Act declaring sow thistle to be a noxious weed providing for its destruction and providing for the payment of the expense of its destruction."

Was read the first time.

Mr. Mostad introduced Senate Bill No. 46, "A Bill for an Act to establish a State Athletic Commission regulating boxing and sparring in the state of North Dakota; defining its powers and duties; regulating boxing exhibitions, and providing penalties for the violation thereof, and repealing all Acts and parts of Acts in conflict therewith."

Was read the first time.

Mr. Mees introduced Senate Bill No. 47, "A Bill for a Concurrent Resolution agreeing to the appointment of a joint committee of three members from the House and two members from the Senate to investigate the alleged fraud resulting from the administration of Senate Bill No. 157, enacted by the Sixteenth Legislative Assembly."

Was read the first time.

Mr. Ployhar introduced Senate Bill No. 48, "A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political subdivision.

Was read the first time.

Mr. King (by request) introduced Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Was read the first time.

Mr. King (by request) introduced Senate Bill No. 50, "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations.

Was read the first time.

Mr. Ingerson introduced Senate Bill No. 51, "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

Was read the first time.

Mr. Haggart introduced Senate Bill No. 52, "A Bill for an Act to repeal Section 9231 of the Compiled Laws of North Dakota for the year 1913, relating to theaters keeping open on Sunday."

Was read the first time.

Mr. Weber introduced Senate Bill No. 53, "A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Was read the first time.

Insurance Committee introduced Senate Bill No. 54, "A Bill for an Act to amend Sections 3, 12 and Section 6 of Chapter 157 entitled Exchange of Reciprocal or inter-insurance contracts, Session laws of North Dakota for the year 1919."

Was read the first time.

Mr. Hyland moved that the Senate do now adjourn which motion prevailed and the Senate adjourned.

## SIXTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
November 29, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding. Prayer by the Chaplain Rev. Quigley.

The roll was called and the following senators were present:

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

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

*Mr. President:* Your committee on revision and correction of the journal have carefully examined the Journal of the third day after recess and fifth day and recommend that the same be corrected as follows:

On page two, line four, change the spelling of the name "Hagart" to "Haggart."

On page two, line five, change the spelling of the name "Hem-minsen" to "Hemmingsen."

On page two, line seven, change the spelling of the name "Millethun" to "Miklethun."

On page two, line eighteen, immediately after the word "following" insert the words "J. I. Cahill, Chairman."

On page two, line thirty, strike out the word "Recommendations" and insert in lieu thereof the word "Communications."

On page two, strike out line twenty-one.

On page five, between lines six and seven, insert the words "Introduction, First and Second Reading of Senate Bills."

And when so corrected recommend that the same be approved.

H. H. McNAIR, Chairman.

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

The committee on Judiciary made the following report:

*Mr. President:* Your committee on Judiciary to whom was referred Senate Bill No. 4, "A Bill for an Act to Repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

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

Strike out the title and insert the following as the title: For an Act to Repeal Chapter 67 of the Session Laws of North Dakota, for the year 1919, same being an Act entitled "An Act providing for the appointment of Special Assistant Attorneys General, by the Attorney General, and Designating the Fund out of Which the Compensation of Such Assistant Attorneys General May be Paid."

And when so amended recommend the same do pass.

R. L. FRASER, Chairman.

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

Mr. Cahill moved that the President appoint a committee of three to draw up suitable resolutions in regard to the death of Dr. Darrow of Fargo, who died recently.

Which motion prevailed and the President appointed as such committee Messrs. Cahill, Haggart and Drown.

Mr. Welford moved that all absent senators be excused which motion prevailed and the senators were excused.

## SECOND READING OF SENATE BILLS

### Senate Bill No. 16.

A bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917.

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

### Senate Bill No. 17.

A Bill for an Act to permit the state flood control engineer to build and construct drains in Richland County, North Dakota, and to dredge, straighten, deepen and embank the Bois de Sioux river for the purpose of relieving the southeastern part of Richland County from flood and other waters, and providing an appropriation therefor.

Was read the second time and referred to the committee on Appropriations.

### Senate Bill No. 18.

A Bill for an Act to amend and re-enact Sections 2 and 5 of Chapter 139, Session Laws of North Dakota for 1919, relating to the extermination of grasshoppers.

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

### Senate Bill No. 19.

A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in Banks within the state.

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

### Senate Bill No. 20.

A Bill for an Act making it a felony for any state official to willfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor.

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

### Senate Bill No. 21.

A Bill for an Act to increase the salaries and per diem of county officers.

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

### Senate Bill No. 22.

A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers.

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

Senate Bill No. 23.

A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration. And to Repeal all Acts and Parts of Acts in Conflict Therewith."

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

Senate Bill No. 24.

A Bill for an Act to amend and re-enact Section 5 of Chapter 186 of the Session Laws of the State of North Dakota for the year 1915, relating to the support of needy women who are the mothers of, and who are compelled to support, one or more children under fourteen years of age.

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

Senate Bill No. 25.

A Bill for an Act to amend and re-enact Section 9238 of the Compiled Laws of North Dakota for the year 1913, relating to sports on the first day of the week.

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

Senate Bill No. 26.

A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor.

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

Senate Bill No. 27.

A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies.

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

Senate Bill No. 28.

A Bill for an Act providing for the enforcement of the payment of taxes due to the state or to any taxing sub-division thereof, by the state tax commissioner; and repealing all acts or parts of acts in conflict herewith.

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

Senate Bill No. 29.

A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with.

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

## Senate Bill No. 30.

A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor.

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

## Senate Bill No. 31.

A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property.

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

## Senate Bill No. 32.

A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict herewith.

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

## Senate Bill No. 33.

A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Was read the second time and referred to the committee on Appropriations.

## Senate Bill No. 34.

A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; Defining the scope and manner of its operation and the powers and duties of the persons charged with its management; Making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor.

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

## Senate Bill No. 35.

A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto.

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

Senate Bill No. 36.

A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state.

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

Senate Bill No. 37.

A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law.

Was read the second time and referred to the committee on Appropriations.

Senate Bill No. 38.

A Bill for a Concurrent Resolution amending the constitution of the State of North Dakota by changing the debt limit thereof and providing for issuing and guaranteeing bonds by the state, and providing that bonds issued or guaranteed by the state in excess of two million dollars shall be secured by first mortgages on certain classes of property, and providing that the state may issue bonds to build, maintain and repair highways.

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

Senate Bill No. 39.

A Bill for an Act to amend Section 852 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Section 1, of Chapter 150, of the Laws of North Dakota for the year 1915, relating to primary elections.

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

Senate Bill No. 40.

A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof.

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

Senate Bill No. 41.

A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgages and assignees of unsatisfied recorded mortgages.

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

Senate Bill No. 42.

A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used

as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000.

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

Senate Bill No. 43.

A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor.

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

Senate Bill No. 44.

A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating other purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure.

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

Senate Bill No. 45.

A Bill for an Act declaring sow thistle to be a noxious weed, providing for its destruction and providing for the payment of the expenses of its destruction.

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

Senate Bill No. 46.

A Bill for an Act to establish a State Athletic Commission regulating boxing and sparring in the state of North Dakota; defining its powers and duties; regulating boxing exhibitions, and providing penalties for the violation thereof, and repealing all Acts and parts of Acts in conflict therewith.

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

Senate Bill No. 47.

A Bill for a Concurrent Resolution agreeing to the appointment of a joint committee of three members from the House and two members from the Senate to investigate the alleged fraud resulting from the administration of Senate Bill No. 157, enacted by the Sixteenth Legislative Assembly.

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

Senate Bill No. 48.

A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political sub-division.

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

## Senate Bill No. 49.

A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 120 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof.

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

## Senate Bill No. 50.

A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations.

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

## Senate Bill No. 51.

A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance.

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

## Senate Bill No. 52.

A Bill for an Act to repeal Section 9231 of the Compiled Laws of North Dakota for the year 1913, relating to theatres keeping open on Sunday.

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

## Senate Bill No. 53.

A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued.

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

## Senate Bill No. 54.

A Bill for an Act to amend Sections 3, 12 and Section 6 of Chapter 157 entitled Exchange of Reciprocal or inter-insurance contracts, Session Laws of North Dakota for the year 1919.

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

The Senate returned to the sixth order of business.

The Committee on Enrollment and Engrossment made the following report:

*Mr. President:* Your Committee on Enrollment and Engrossment have examined the following bills:

Senate Bill No. 7. "A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the laws of North Dakota

for 1919, relating to the destruction of predatory animals." And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays 0; absent and not voting, 9.

Ayes: Beck, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hun, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Murphy, Nelson, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Ziemann.

Absent and not voting: Bowman, Hemmingsen, Mees, Morkrid, Miklethun, Noltimier, Ployhar, Sikes, Whitman.

So the bill passed and the title was agreed to.

Mr. Welford moved that the vote by which Senate Bill No. 7 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Church moved that the Senate recess subject to call of the President, which motion prevailed and the Senate recessed.

The Senate reassembled, the President presiding.

#### A MESSAGE FROM THE HOUSE

A select committee from the House informed the Senate that the House was ready to receive the Senate in joint session to hear a representative of the American Legion.

Mr. Wenstrom moved that the Senate accept the invitation of the House to meet in joint session to hear the speaker of the American Legion, which motion prevailed and the Senate proceeded to the House for the joint session.

The following resolution was adopted by the joint assembly:

#### JOINT RESOLUTION

Introduced by Messrs. Cahill, Drown and Haggart

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

WHEREAS, Dr. Edward M. Darrow, of Fargo, North Dakota, a pioneer and a most distinguished citizen of this state, notable for his services to his fellow man and to the State in which his life's work was spent, departed this life on Tuesday, November 25th, 1919; and

WHEREAS, Dr. Darrow had long occupied a preeminent position in his profession of medicine and surgery, in which he distinguished himself by the exercise of sound, scientific

judgment and the highest standards of professional ethics, always regarding his professional skill as a sacred trust in favor of suffering humanity; and

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

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

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

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

BE IT FURTHER RESOLVED, That we especially sympathize most deeply with his family and the community with which he was immediately associated for so many years.

BE IT FURTHER RESOLVED that these resolutions be spread at large upon the Journals of the Senate and House and that copies be immediately forwarded by the Secretary of State to the family of the deceased.

The Senate reassembled, the President presiding.

The courtesies of the floor were extended to: R. H. Wood, Lakota, N. D.; H. E. Seeman, Mandan, N. D.; L. H. Connolly, Mandan, N. D.

Mr. Cahill moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

W. J. PRATER,  
Secretary.

#### CALENDAR FOR NOVEMBER 30th

Senate Bill No. 4.

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

## EIGHTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
December 1, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding. Prayer was offered by the Chaplain, Rev. George Buzzelle.

The roll was called and the following Senators were present:

Beck, Benson, Berg, Cahill, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagen, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, Levang, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksenhahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Waad, Weber, Welford, Wenstrom, Whitman, Zieman.

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of the Fifth after recess and sixth day and recommend that the same be corrected as follows:

On page 5, line 50 correct the spelling of the word "the."

On page 10 strike out line 40.

On page 14 strike out lines 30, 31 and 32, and re-insert same after line 27.

On page 12, line 41 correct the spelling of the word "for."

Page 7, line 25 change word "appropriation" to "appropriations." Line 28 change the word "charter" to chapter. Line 41 correct the spelling of the word "providing."

Page 9, line 36 change the word "appropriation" to "appropriations."

And when so corrected recommend that the same be approved.

H. H. MCNAIR,  
Chairman.

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

Mr. President: The committee on mileage and per diem make the following report:

If any changes are wanted on the Mileage and Per Diem other than of last year's Senate Journal report let the committee know.

G. F. HUNT,  
Chairman.

Mr. Hyland moved that the report be made a part of the Journal, which motion prevailed and it was so ordered.

## PETITIONS AND COMMUNICATIONS

Lisbon, N. Dak., Dec. 1, 1919.

Hon. Peter A. Berg, care Legislature,  
Bismarck, N. D.

Ransom county Post of the American Legion representing three hundred and fifty ex-service men ask you to support the Legion Legislation effecting returned soldiers to the best of your ability.

JEROME B. JONES,  
County Commander.

Williston, N. Dak., Dec. 1, 1919.

Senator Morten Mortenson,  
Bismarck, N. D.

Five hundred Legionaires of Williams and McKenzie counties ask your support of the Legion Measures.

EDGARD M. BOYD POST.

## PETITION

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

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

Signed: GUNDA HOLM AND 7 OTHERS.  
Address: Ryder.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 4.

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

And find the same correctly engrossed.

A. G. STORSTAD  
Chairman.

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

The committee on Railroads made the following report:

Mr. President: Your committee on Railroads to whom was referred Senate Bill No. 29.

A Bill for an Act to Amend and Re-enact Section 2 of Chapter 172 of the laws of the State of North Dakota for the year 1919, and providing the Time in Which the Provisions of Said Section Shall be Complied with relating to furnishing shelter to Employees of Common Carriers.

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

THORWALD MOSTAD  
Chairman.

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

Mr. McNair nominated M. F. Blank as proofreader.

The roll was called and the following voted for M. F. Blank as proofreader:

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

The President declared Mr. Blank elected.

The President administered the oath of office to M. F. Blank as proofreader.

Mr. Ward moved that the unanimous consent of the Senate be granted to suspend the rules to allow the introduction of a bill, which consent was granted and the rules were suspended to allow Mr. Ward to introduce a bill.

Mr. Mees moved that Senate Bill No. 4 which is on the calendar for third reading be made a special order of business for Wednesday at three o'clock.

A division was called for and the motion was lost.

Mr. Wenstrom moved that all absent Senators be excused. There being no objections, it was so ordered.

Mr. Ployhar moved that Senate Bill No. 4 be made a special order of business for Tuesday at three o'clock, which motion prevailed and the President announced that Senate Bill No. 4 would be a special order of business for Tuesday at three o'clock.

## INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Ward introduced Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

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

Mr. Wenstrom moved that the Senate recess subject to the call of the President, which motion prevailed and the Senate recessed.

The Senate reassembled, the President presiding.

The Senate returned to the sixth order of business.

The committee on Banks and Banking made the following report:

Mr. President: Your committee on Banks and Banking to whom was referred Senate Bill No. 19.

"A Bill for an Act Providing for the Exemption from Tax-

ation of the Income from Moneys Deposited by Non-Residents in Banks within the State."

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

In section 1, line 2, after the word deposit insert the words or in savings accounts.

And when so amended recommend the same do pass.

CHRIST LEVANG,  
Chairman.

Mr. Levang moved that the rules be suspended in so far as necessary and the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary to whom was referred Senate Bill No. 22.

"A Bill for an Act to amend and re-enact section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of Court Stenographers."

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

R. L. FRASER,  
Chairman.

Mr. R. L. Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary to whom was referred Senate Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to Registration of Licensed Architects and the Regulation of the Practice of Architecture as a Profession in the State of North Dakota."

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

In line 10 of printed bill strike out figures 1917 and insert figures 1918.

And when so amended recommend the same do pass.

R. L. FRASER,  
Chairman.

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary to whom was referred Senate Bill No. 13.

Senate Bill No. 13. "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general; and repealing Chapter 67 of the laws of North Dakota for the year 1919, relating to special assistant attorneys general."

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

In line 4 of the Title after the word "general," strike out the semicolon and all the balance of the title.

In line 2 of the printed bill, section 1, insert after the word "by" Chapter 16 of, strike out all of section 2 of printed bill.

Advance section 3 to section 2; striking out the figure 3 in line 1 of section 3 of the printed bill and insert figure 2.

And when so amended recommend the same do pass.

R. L. FRASER,  
Chairman.

The courtesies of the floor were extended to Mr. W. C. McDowell, of LaMoure County, Mr. John Wamben of Larkin, N. D., Mr. Andrew Barrett, of Crosby, N. D., Mr. Louis Nygaard, of Columbus, N. D., Mr. A. P. Hanson, former speaker of the House; Senator-Elect Biesel, of Towner County.

Mr. Menstrom moved that the Senate recess until one o'clock P. M. tomorrow, which motion prevailed and the Senate recessed.

#### SENATE CALENDAR DEC. 2, 1919

Special order for 3 P. M.

Senate Bill No. 4.

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

## EIGHTH DAY AFTER RECESS AND NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA  
December 2, 1919.

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

## HOUSE CHAMBER

Bismarck, N. D., Dec. 1, 1919.

*Mr. President:* I have the honor to return herewith the following bills:

Senate Bill No. 1.

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

Which the House has passed unchanged.

GEO. A. TOTTEN, JR.,  
Chief Clerk.

The Senate returned to the Eighth order of business.

Mr. Church asked the unanimous consent of the Senate to introduce a bill.

Mr. Drown moved that the unanimous consent be granted, which motion prevailed and Mr. Church introduced Senate Bill No. 56.

## INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Church introduced Senate Bill No. 56.

"A Bill for an Act

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

Mr. Church moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

## NINTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
December 2nd, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer by the Chaplain, Rev. Richardson.

The roll was called and the following Senators were present:

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

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

*Mr. President:* Your committee on revision and correction of the journal have carefully examined the Journal of the Eighth Day and recommend that the same be corrected as follows:

On page 2, line 14 change the name "Marten" to "Morten."

On page 3, lines 51 and 53 change the word "bank" to "banks."

On page 4 after line 37 insert the title of Senate Bill No. 13. In line 59 after the word "Senate" insert the word "Bill."

And when so corrected that the same be approved.

H. H. McNAIR,  
Chairman.

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

#### • PETITIONS AND COMMUNICATIONS

Lisbon, N. D., Nov. 29, 1919.

Senator Peder A. Berg,  
Bismarck, N. D.

Sir:—

We the undersigned representatives of the various churches and patriotic organizations of this City, at a called meeting have come to the following conclusions, regarding the possible presentation of the laws now on our Statute books known as the Blue Laws for referendum.

We believe that should this come to pass and they are changed, that the morality of our communities will be imperiled, therefore we entreat you as our representative to use your best effort and also your influence in keeping said laws as they now stand.

Yours very truly,

Signed:

MRS. M. E. MOORE,

Vice Pres. W. C. T. U.

J. P. JONES,

American Legion.

MRS. ALBERT E. JONES,

State Vice War Mother.

HARLEY S. GROVER,

Lay Representative First M. E. Church.

REETA COOCH,

Pres. Woman's Relief Corps.

KAIL H. THOMTE,

Lay Representative Presby. Church.

J. E. MURRAY,

Rep. First Baptist Church.

Committee.

Minot, N. D., Dec. 1, 1919.

Hon. Thorwald Mostad,

State Senate, Bismarck, N. D.

Members of American Legion Post Number Twenty-six unanimously for repeal of Sunday closing law as pertaining to theaters and baseball games. Request your support of boxing Bill.

DENNIS LYONS, Post Commander.

REYMOND GILLET, Vice Commander.

Minot, N. Dak., Dec. 1, 1919.

Thorwald Mostad,  
County Delegation,  
Care Legislature, Bismarck, N. D.

We are in favor of the passage of an act to repeal the present Sunday theater law.

PHIL W. MYERS and 135 Others.

Ryder, N. D., Dec. 1, 1919.

Sen. Thorwald Mostad,  
Bismarck, N. D.  
We urge your support of Legion measure.  
AMERICAN LEGION,

L. C. JENSEN POST.

Minot, N. Dak., Dec. 2, 1919.

Thorwald Mostad, Senator,  
Bismarck, N. D.

We earnestly request you to stand firm against repeal of any moral laws.

VINCENT M. E. CHURCH,  
By A. H. Kurth, Secy.

Evanston, Ill., Dec. 2, 1919.

North Dakota Legislative Assembly,  
Care Lieut. Gov. Wood,  
Bismarck, N. D.

North Dakota Woman's Christian Temperance Union protests against passage of cigarette and Sunday theater bill.

ELIZABETH PRESTON ANDERSON.

Grand Forks, N. D., Dec. 1, 1919.

W. S. Whitman,  
Bismarck, N. D.

Grand Forks American Legion Post requests your support Legion measures.

R. B. CAMPBELL, Commanding Officer.

Ashley, N. D., Dec. 2, 1919.

John Weber,  
Care Capitol,  
Bismarck, N. D.

Kindly support all American Legion measures.

McINTOSH COUNTY POST 53,  
By J. W. Meidinger.

To the Hon. Richard McCarten,  
Bismarck, N. D.

We, the undersigned, ask that you use your best endeavors to see to it that what are termed "the blue laws of N. D." are not changed in any way or repealed.

A. J. BALDWIN and 28 Others.

Calvin, N. D., Dec. 1, 1919.

L. J. Frazier, Governor,  
Bismarck, N. Dak.

We as members and adherents of the Baptist church do respectfully petition you to use all of your influence with the Legislators now in session believing the greatness of a nation depends on the conformative of the law of the land to the laws of God we most earnestly petition the Legislature of

North Dakota met in session at Bismarck to safeguard the moral laws of the State and to take no step toward repealing, referring or weakening the law prohibiting Sunday theatre and moving picture shows, the anti-cigarette law and the law prohibiting the charging of admission at Sunday baseball games. This petition is indorsed by a rising vote of fifty people met at the Baptist church at Calvin, N. Dak., on November Thirtieth.

H. P. CODER, and 8 Others.

Mandan, N. D., Dec. 1, 1919.

Fred Mees,

State Senate,

Bismarck, N. D.

Gilbert S. Furness Post of Mandan, with membership of 17, urges your support of all Legion measures.

CHAS. G. HUGHES,

Post Adjt.

New Salem, N. D., Dec. 1, 1919.

Senator F. W. Mees,

State Capitol,

Bismarck, N. D.

We want your support on Legion. See our representative also.

H. W. BLANK,

Post Commander John Repsdorf Post.

Timmer, N. D., Dec. 1, 1919.

Senator Mees,

Bismarck, N. D.

Our Post will appreciate your support of all Legion measures.

A. K. KRUEGER,

Commanding.

Fargo, N. D., Nov. 25, 1919.

State Senate,

Care

Hon. H. H. McNair.

Bismarck, N. D.

Seven hundred fifty members of the Woman's Christian Temperance Union in the Third Judicial District protest against repealing, referring or in any way weakening law prohibiting Sunday theatres and moving picture show, the law prohibiting charging admission to Sunday baseball and anti-cigaret law.

KATE SWILDER,

District President.

Velva, N. D., Dec. 1, 1919.

Senator Ole Ettestad,

Bismarck, N. D.

Kindly support measure introduced by American Legion.

JOSEPH I. WELLER,

Post 39.

Drake, N. D., Dec. 1, 1919.

Hon. Ole Ettestad.

Bismarck, N. D.

The members of the Davis Neherberg Post Number 32.

Drake. N. D. of the N. D. American Legion urges your support of the Legion measure now before the Legislature.

By J. SCORE, P. C.

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

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

Endorsed by vote of all (but one) people at a meeting held at the M. E. church at McKenzie, North Dakota, on November 9th, 1919.

Signed by Mrs. L. E. Heaton, chairman; Sun. Supt., Mrs. J. Bertholf; Ex-Sun. Supt., J. F. Wildfang; Missionary Supt., J. W. Rodgers; Mrs. J. W. Rodgers; F. M. Leathers.

Leonard, N. D., Dec. 1, 1919.

Sen. Charles Drown,  
118 Dist. N. D., State Capitol,  
Bismarck, N. D.

Respectfully urge your support and support of colleagues of this district to those measures sponsored by State American Legion, including amendments, boxing, cigarettes, Sunday baseball and bonus laws.

ALBERT C. NELSON POST NO. 74.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 29.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

Senate Bill No. 19.

"A Bill for an Act Providing for the Exemption from Taxation of the Income from Moneys Deposited by Non-Residents in Banks within The State."

Senate Bill No. 22.

"A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Ways and Means made the following report:

*Mr. President:* Your committee on Ways and Means to whom was referred Senate Bill No. 35.

"A Bill for an Act to amend section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

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

In line 1 of title, insert after word "amend," the words "and re-enact."

In line 1 of the title, strike out the words "Revised Codes" and insert the words "Compiled Laws."

In line 1 of printed Bill, strike out the words "Revised Codes" and insert the words "Compiled Laws."

In line 2 after the word "amended," insert the words "and re-enacted."

And when so amended recommend the same do pass.

JAS. A. WENSTROM,  
Chairman.

Mr. Olson moved that the committee report on Senate Bill No. 13 be adopted.

Mr. Mees moved as a substitute motion that Senate Bill No. 13 be re-referred to the committee.

*Mr. Mees:*

Mr. President: In the development of our State Government, the respective Legislative sessions have seen fit to create certain State offices and clothe them with certain powers and duties—they have empowered every State office with authority to meet every condition and duty which presented itself to their respective office. This course was wisely adopted and unless it can be shown that any State officer has abused his or her powers to the detriment of the State as a whole—and which abuse must be shown by conclusive evidence supported by facts, there can be no justification at this time to curtail or hamper any State office or department by Legislation which will suspend or hamper the proper function of any State official or department as proposed in a number of bills before this body.

I want to say to you, Mr. President, that I don't believe for one minute that taxpayers of this State propose to have their money squandered by us quibbling over and trying to settle the political differences between departmental heads of our State Government. I have a sufficient confidence in the voters of this State to take care of that situation in a satisfactory manner at the first opportunity. So far as this body is concerned we are not justified in setting ourselves up as a court to pass judgment on any State official at the instigation of outside influence unsupported by proper complaint or evidence.

I wish to say further, Mr. President, that the time has arrived when this mask of hypocrisy must come off and the facts faced squarely.

I challenge the authors of the various bills to defend or deny that they did not introduce these bills at the instigation of persons absolutely irresponsible to the people of the state.

I further challenge the authors of these bills to deny that the departments aimed at in Senate Bills, Nos. 4, 13, 26, 40 and

House Bill No. 13 have not fulfilled their respective duties according to their oath of office.

I challenge every member of this body who will support these bills to show that they are actuated by a desire to give to the people of this State more desirable Legislation than that which they now have, that this is not a purely political move and to show that as American citizens they propose to live up to their oath of office, and that they are not parroting the desires and wishes of a pack of Political Montebanks who purport to set themselves up as the Guardians of the people of the state.

The question being on the substitute motion the motion was lost.

The question being on the original motion, the motion prevailed and the committee report on Senate Bill No. 13 was adopted.

Mr. Fraser moved that the committee report on Senate Bill No. 14 be adopted which motion prevailed and the report was adopted.

The committee on Banks and Banking made the following report:

*Mr. President:* Your committee on Banks and Banking to whom was referred Senate Bill No. 11.

"A Bill for an Act providing for the transfer of funds to other departments by the Bank of North Dakota, and prescribing the duties of the State Treasurer and State Auditor in reference thereto; repealing all acts in conflict therewith; and declaring an emergency."

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

Strike out everything after the words "A Bill" and insert in lieu there, the following:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. All funds transferred to other departments, institutions, utilities, industries, enterprises or projects of the State, by the Bank of North Dakota, shall be placed to the credit of such institutions, utilities, industries, enterprises or projects of the State by the State Treasurer and subject to their respective order, and all such funds shall be returned with interest to the bank.

SECTION 2. The State Auditor shall issue warrants against such money so transferred in the same manner as provided in the case of funds from the payment of taxes or otherwise.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

CHRIST LEVANG,  
Chairman.

#### SENATE ROLL CALL

Senate Bill No. 29.

"A Bill for an Act to amend and re-enact Section 2 of Chap-

ter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 42 and nays 4, absent and not voting 2.

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

Nays: Beck, Carey, Haggart, Nelson.

Absent and not voting: Mees, Sikes.

So the bill passed and the title was agreed to.

Mr. Mostad moved that the vote by which Senate Bill No. 29 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 19 was read the third time.

Mr. Welford moved to amend Senate Bill No. 19 as follows:

In the engrossed bill in the second line of the title strike out the words "by non-residents" and after the word "in" insert the word "any" and change the word "banks" to "bank" and insert after the word bank "or other financial institutions."

In section 1, line 1, after the word "deposited" strike out the words "on time certificates of deposit or in savings accounts" and in the second line after the word "bank" insert the words "or other financial institutions." In line 3 after the word state, strike out the words "by a non-resident of the State."

#### SENATE ROLL CALL

Senate Bill No. 19.

"A Bill for an Act Providing for the Exemption from Taxation of the Income from Moneys Deposited by Non-Residents within The State."

Was read for the third time.

The question being on the final passage of the bill as amended, the roll was called and there were ayes 46, nays 0, absent and not voting 2.

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

Absent and not voting: Cahill, Sikes.

So the bill passed and the title was agreed to.

#### SENATE ROLL CALL

Senate Bill No. 22.

"A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 40, nays 5, absent and not voting 3.

Ayes: Beck, Benson, Berg, Carey, Church, Ettestad, Flecken, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Mikie-thun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Stenmo, Storstad, Ward, Welford, Wenstrom, Whitman, Zisman.

Nays: Drown, Liederbach, Pendray, Porter, Weber.

Absent and not voting: Bowman, Cahill, Sikes.

So the bill passed and the title was agreed to.

The Senate returned to the Eighth order of business.

Mr. Mostad moved that communications and results of the referendum vote taken by the American Legion be printed in the Journal, which motion prevailed and it was so ordered.

The Senate returned to the Fifth order of business.

Grand Forks, N. D., Dec. 1, 1919.

J. P. Hemmingsen,  
Bismarck, N. D.

Grand Forks American Legion Post requests your support of Legion measures.

R B. CAMPBELL,  
Commanding Officer.

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

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

Dear Sir:

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

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

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

the working classes, whose welfare we know you are interested in the same as we are,

Very truly yours,

**EQUITY COOPERATIVE PACKING CO.**

L. C. Hoopman and 225 Others.

### COMMUNICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

One from Crosby, North Dakota, signed by Kamplin.

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

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

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

One from Mandan, North Dakota, signed by Hughes.

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

One from Bismarck, North Dakota, signed by Jones.

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

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

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

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

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

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

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

One from Mayville, North Dakota, signed Stomner.

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

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

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

One from Harvey, North Dakota.

One from Fargo, North Dakota.

One from Dickinson, North Dakota.  
 One from Wapeton, North Dakota.  
 One from New Salem, North Dakota.  
 One from Portland, North Dakota.  
 One from Jamestown, North Dakota.  
 One from LaMoure, North Dakota.  
 One from Casselton, North Dakota.  
 One from Crosby, North Dakota.  
 One from Rugby, North Dakota.  
 One from Minot, North Dakota, signed by Wm. G. Carroll.  
 Total vote: 6770, yes; 114, no. (American Legion.)

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

To All to Whom these Presents shall Come:

Know ye, that we, Lynn J. Frazier, Governor, and Thomas Hall, Secretary of State of the State of North Dakota, do hereby certify that from the official abstracts of the votes cast in the Twenty-second Legislative District of the State of North Dakota, comprising the County of Towner, at a Special Election held on Tuesday, the Twenty-fifth day of November, 1919, as certified to the State Board of Canvassers by the Canvassing Board of said District, as is provided by law, and from the canvass of said abstracts it appears, and we do hereby certify that D. J. Beisel of the County of Towner was duly elected a State Senator of the State of North Dakota from the Twenty-second District, and is entitled to a seat in the Legislative Assembly of this State to fill the vacancy caused by the death of the Honorable A. S. Gibbons, who, was elected State Senator for the term of four years, commencing on the first Tuesday in January, 1919.

In Testimony Whereof, We have hereunto signed our names, and caused the Great Seal of the State to be affixed, at Bismark, this 2nd day of December, in the year of our Lord One Thousand Nine Hundred and Nineteen.

LYNN J. FRAZIER,  
 Governor.

THOMAS HALL,  
 Secretary of State.

(Seal)

Attest: Member of State Board of Canvassers.

WILLIAM LANGER, Attorney General.

OBERT A. OLSON, State Treasurer.

Mr. Hyland moved that the President appoint a committee of one to escort Senator-elect Beisel to the chair to receive the oath of office, which motion prevailed and the President appointed as such committee Mr. Hyland.

The President administered the oath of office to Senator-elect Beisel of the 22nd Legislative District.

The President assigned the same committee appointments to Senator-elect Beisel as were held by the late Senator Gibbons.

Mr. Fraser moved that the vote by which Senate Bill No. 22 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed and it was so ordered.

3 O'CLOCK P. M.

Senate Bill No. 4 being a special order of business.

Senate Bill No. 4 was read the third time.

Mr. Mees:

Mr. President, the special order for three o'clock today, granted at my request, I feel and did feel at the time I asked for this request that there were certain matters pertaining to this particular bill that perhaps the members of this body were not informed of, and I had requested that it be made a special order for tomorrow to give me an opportunity to prepare a little more along this line in the little time that has been left. However, as some of the information was not available until just about noon today I got what I could gather, which will perhaps throw some light on this bill.

Senate Bill Number 4 repeals Section 67 of the Session Laws of 1919. I will read to you this Chapter 67, which says:

Section 1. The Attorney General May Appoint Special Assistant Attorneys General.) The Attorney General may, when he deems it necessary, appoint Special Assistant Attorneys General. Such appointment shall be in writing and when made shall confer upon such assistant the same powers as are exercised by regular Assistant Attorneys General when such powers are not expressly limited by the terms of such appointment. Such appointment shall be revocable at the pleasure of the Attorney General.

Section 2. Compensation.) Such appointment may be made with or without compensation and when compensation is allowed by the attorney general for services performed it may be paid out of the legal expense fund or any contingent fund of the Attorney's General Department, upon vouchers duly approved as other salaries in such department are paid.

Chapter 67 of the Session Laws, 1919 makes no special or definite appropriation to take care of any special assistant attorneys general if they should be so employed by the office of the Attorney General in special cases.

I have requested the Attorney General to give me a statement as to what extent he has made use of this Chapter in the Session laws, and I have a letter from the Attorney General, which I wish to read into the records of this body at this time.

December 2, 1919.

Senator Fred W. Mees,  
State Capitol, Bismarck, N. Dak.

My dear Senator:

In accordance with your request, made only a few minutes ago, asking for certain information with reference to the men whom I have appointed under Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, together with what money I paid them, and what work they did I wish to state that as you have just made the request a few moments ago, I am unable in the little time allotted me, to go to the State Auditor's office and look up the warrants, but the records are there, and my statements contained herein, can be verified.

Only five Special Assistant Attorneys have at any time been appointed, and they, of course, were only appointed temporarily.

Judge Carmody of Fargo, special assistant in the case against the fruit trust—\$100.00 retainer. He had charge of federal case and was appointed for that reason.

George F. Shafer, former States Attorney of McKenzie County, who was State Attorney, represented the state in the case where some horses were to be killed by the State Veterinarian because they had glanders. As State's Attorney, he was thoroughly familiar with all the facts and law in the case. For a sum of fifty dollars, which was no more than the sum which would have been paid for railroad fare and expenses of one of my regular assistants sent there, he represented the State and won the case.

William G. Owens, of Williston, was for a few months one of my regular Assistant Attorneys General here in Bismarck. The salary of \$2,000.00 was insufficient to keep him permanently and he resigned. When he came into the office, he succeeded Dan Brennan in the prosecution of the case against Olaf A. Olson, of Minot, charged with getting a lot of girls into his hotel at Minot and hiring them out to men for the purpose of prostitution, and taking part of the money which the men paid the girls. If Olaf Olson is guilty, he is guilty of one of the most damnable crimes of which a man can be accused. While in the office, Mr. Owens became thoroughly familiar with the case. Olson is a millionaire. When the case came up in Minot he took change of venue to Rugby. It was months before it came up at Rugby, and when it did, Olson was in Havana, Cuba, and his attorneys presented Doctor's certificates that he was in bad health. It was over a year before I could get the case tried. On the morning of the trial, the chief witness, a girl brought all the way from New Mexico, was taken violently ill. She was rushed to the hospital where she had an operation. In spite of this, however, the jury was out forty-eight hours and stood nine to three for conviction. You can readily see that if Chapter 67 is repealed, that I will not be able to have Mr. Owens prosecute the case further, and that I will have to put in a man unfamiliar with the facts and unfamiliar with the testimony of the witnesses, and the State will be at a tremendous disadvantage. Personally, I do not want the millionaire to escape, provided he is guilty.

Mr. Owens also represented me in a case where some school land was condemned by the Great Northern Railroad Company in Mr. Owen's county, and got splendid damages. He has received about \$350.00 all told.

Judge W. S. Lauder, of Wahpeton, and Judge S. L. Nuchols, of Mandan, the former district Judge for fifteen years, and the latter a district Judge for five years. Both of these men are of unimpeachable integrity, men of the greatest honor and recognized leaders of the bar in North Dakota. Judge Nuchols was appointed to assist in several important murder cases, in all but one of which he secured a conviction. He was also appointed to assist in an extremely difficult rape case at Langdon, and secured conviction. His pay in the murder and rape cases together totaled not to exceed \$450.00. He accepted these appointments chiefly as a favor to me, he having been my former partner.

Both Judge Lauder and Judge Nuchols were appointed to assist in the defense of the attack brought by the forty-two tax payers against the State of North Dakota. The case came up before Judge Amidon of Fargo and we won. The firms of Young, Conroy & Young, Tracy Bangs and Phillip Bangs, and Murphy & Toner immediately appealed to the United

States Supreme Court and in order to prepare briefs and to do everything possible to win the law suit, I told Judge Lauder and Judge Nuchols that they were appointed to assist in the Supreme Court of the United States. Off-hand, I would say that their pay and retainer was \$750.00 a piece.

The latter was hired to assist in the case brought by the Standard Oil Company to set aside their oil tax, involving approximately half a million dollars a year. He appeared with Assistant Attorneys General Packard and Foster, and we also won this case. Mr. Lauder's fee for services was eighty dollars and some cents. He was also retained by me to assist in the prosecution of the Scandinavian-American Bank officers, and that case is now being tried.

In my haste, I may have made a miscalculation of a hundred or so dollars. Once in a while I have gotten a States Attorney to do a little extra work and paid him \$25.00. The total amount paid States Attorneys did not exceed \$75.00. Recapitulating briefly, I am confident an investigation will show:

First. That only one case has been lost where I have appointed Special Assistants.

Second. That the total amount of the fees does not exceed twenty-five hundred dollars (\$2500.00).

Third. That the men hired have been among the recognized leaders of the bar in the State of North Dakota.

I have no apologies to offer to anybody for hiring these men, and I am writing you this information solely because you asked me to. This department is not begging the Senate for anything. As far as I am concerned you and the other Senators can vote as you please. I am sure the people of the state will understand the circumstances before long.

Yours very truly,

WILLIAM LANGER,

Attorney General.

Now, Mr. President, in a little further explanation of my general statement a little while ago, referring to a number of bills, I wish to say that there are a number of bills introduced both in this house and the lower house, which while the rules do not permit us here to discuss them in a body they are so drawn and so interlinked that it is almost necessary to refer to these different bills and I have particular reference at this time to House Bill Number 13. I think it is perfectly permissible to discuss part of House Bill Number 13 because it has a direct bearing upon Chapter 67, which Senate Bill Number 4 proposes to repeal.

We have in House Bill Number 13 exactly the same bill as Chapter 67, which Senate Bill Number 4 repeals, with the exception of some changes. I do not like to discuss House Bill Number 13 at this time, but it is necessary to discuss it in order to make the point. The only difference in the two bills is that Section 2 of Chapter 67, Session Laws 1919 does not provide an appropriation for these special assistant attorneys generals but that they must be paid out of a regular appropriation that is allotted to the attorney general's office. That there is a need of special assistant attorney generals cannot be disputed because this bill has been introduced in the House to provide for just exactly

that same thing only in a different manner. If it is necessary to have special assistant attorneys general, Mr. President and members of this body, then why not let the law stand? The appropriations have been made and the attorney general ought to be competent to make the selection of the assistants. Why repeal Section 67 of the statute and pass House Bill Number 13? It seems to me that it would be very obvious, unless there is an ulterior motive. I can see no valid or legitimate reason why Chapter 67 of the Session Laws should be repealed and House Bill Number 13 should be passed. It is very evident the intention is to pass House Bill Number 13. If there was no intention to pass this bill it would not have been introduced. Of course, the **majority members of both Houses can do as they see fit** in this matter. I believe that the evidence is sufficient and the work that has been done by the Attorney General's office ought to convince anybody that there is need of special assistant attorneys general. Just why the power of selection should be taken from the Attorney General to appoint **his assistant attorneys general is a mystery to me. I think** Mr. President and members of this body, that with what few facts I have presented, and if you use your own good, sound judgment that this body cannot consistently repeal Chapter 67 of 1919 Session Laws.

*Mr. Cahill:*

The gentleman who has just spoken a few moments ago made a very wide and direct challenge. Now, let us look at this from a sensible standpoint and see if there is anything behind this **great fire and smoke and investigate things a little bit thoroughly.** The Attorney General at our last session, through the gentleman who has just spoke, or fathered by him, had a number of bills shoved through this Senate. The argument then was that the Attorney General needed those assistants, needed more help so the laws of this state could be carried out and he was given, comparatively speaking, everything he asked, with one exception and that was this. It was asked that the attorney general of this state could employ assistants or detectives or men that he saw fit and could pay the money out of this state's funds to these men without giving account of what this money was used for. The reason given on this senate floor was that he was going to capture the crooks, pick-pockets and cigarette smokers, or those who sold them, in this state. Now, ladies and gentlemen, you know, **comparatively speaking, every** town and village in this state has been selling cigarettes and things of that kind ever since the laws went effect. Furthermore in some instances he knows of these things and has not put a stop to it and the people of this state are wondering why and what is the use of giving this gentleman when it is handled so carelessly. **We have given that** department close to \$100,000.00 to carry on and keep this state in good shape and yet it is a known fact that the attorney general of this state, if he wants to, **can get the proof and evidence, and ladies have written him explaining conditions and asked him to send someone there to investigate and up to this day he has sent no one to investigate those conditions.**

Now, let us look at some of the things he has done. The gentleman spoke of the Standard Oil case which was being handled. What are the conditions? When this case came

up for hearing this state was not represented and when the case was presented to the court the Standard Oil Attorney said he would go out and get the attorney for the state and he went out and got Mr. Sheets. Now, why don't they attend to their business? They are getting the money and there is no reason in the world why they should not attend to these things. If he has gotten all this money and these assistants and is not attending to business it is time he was losing some of his appropriations.

Along with these assistant attorneys he has special attorneys general and what has he got them all for? What are they doing? He gave you an instance of men he hired. I will just take up the Scandinavian-American Bank case. He went down there, contrary to laws of this state, and pulled a political trick, being on the banking board, and the records and letters show this that were presented in court and you gentlemen and ladies who have read the reports, know that he did not take the proper course in law to close that bank, and the facts show today that it was a political trick by the attorney general of this state to close that bank regardless of financial standing and at the time he sent telegrams to the banks over the state that had any financial relations with the Scandinavian-American Bank to be sure and protect the stockholders and depositors of those banks. He sent them out under the plea that he was so careful, that he wanted to protect the stockholders of those banks. These are facts that stand out and cannot be contradicted. These are the conditions that exist and this is all a political trick. The Scandinavian-American Bank stood up and paid its debts and was not closed because of not paying its debts and the day it was closed money was still in the vault the evening it was closed. They tried to close it on a technicality and it is running a better bank than ever she did.

Now, he has six legal assistants. Why doesn't he make use of these? Is it because his assistants do not know enough to go out and do the work, then why the special assistants. And if that is not enough to carry on his work, how many assistants does he need, and where does Mr. Langer appear in those cases? What is he doing? Why, I would imagine when an important case appeared before the court that the Attorney General would be the very man to appear. He has to send for somebody to help. Isn't it a fact that he is out canvassing through the state on a political platform instead of attending to business? He is doing this when these come up which should have his attention.

Now in regard to not having time. The gentleman asked for more time. This was one of the first bills introduced in the Senate and now he comes in and says that he just had a few minutes today. Why didn't he get in touch with the Attorney General. Is it because he wanted to get more information or was it because he wanted to get more delay?

Now he gives you the amount paid to different ones,—Carmody, Owens, Olson, Lauder, Nichols and Pollock, and Pollock, and perhaps there are some others we haven't got. Are the assistant attorneys general that he has around not able to do anything themselves or do we have to employ outside to represent the state? Not only that, the Attorney General has gone through the state and he has said that this administration has been spending money foolishly and he is one of the

men who has gotten \$100,000.00 and I suppose that there is no other man knows better than he if he is spending this money foolishly.

The gentleman speaks about political moves. Right from this state now is being sent out by officers of this state, and have been sent out in the past political campaign dope and this state is paying for it on the theory of keeping people posted on conditions of this state.

I would like to say that we have a pool hall inspector that comes under the Attorney General, and look at that part of it. What has he done? Where he carried those laws into effect? I would like to hear what these gentlemen have done, where they have bettered this state, and what benefit it is to us to have a lot of those fellows going around through the state talking politics instead of putting the laws into effect?

*Mr. Mees:*

No doubt the gentleman from Grant has proof to bear out his contention that the Attorney General has sent out these messages and other notices in the reference he made in the bank case. I presume he has or he wouldn't make the statement if he didn't. And he makes a sort of sweeping proposition that political propaganda is being spread by state officers and I think he is correct and I do not think it all comes from the Attorney General's office by any means. As I see this question, Mr. President and members of this body, I would like to know from the gentleman of Grant whether or not he believes that House Bill Number 13 should pass. If there was no intention to pass House Bill 13 there might be some foundation to his argument, but inasmuch as it is the evident intention and purpose to place this law back on the statute book, to appoint lawyers who are more agreeable, if you please, and that is what the purpose is of repealing this bill and then to try and pass another bill. And I think the gentleman from Grant knows it if he will admit it.

*Mr. Cahill:*

It is the business of the Attorney General to protect this state in every case that is brought against the state. What has he been doing? Has he been protecting this state or just doing the opposite? The decision he sent out from his office, or the decision came through his office, in regard to the bonds of the state of North Dakota, were they for the state or against it? Why didn't he come out at the time on the banking board and give his decision, but he didn't say anything about it then? Had he written to different banking houses throughout the United States in regard to the bonds? Let the gentleman from Morton reply.

*Mr. Mees:*

If you will look up the records you will find that the attorney general's office held that these were valid.

*Mr. Cahill:*

Then why should he send out a report that there was a doubt about it? I will get you a letter to prove this.

And then in the Standard Oil case, just think of the Standard Oil attorney having to go out and find an attorney to defend the other side. They couldn't lose this case be-

cause the law was so straight, all they had to do was present it.

Instead of defending us he is working against the state and is out on the stump telling that the laws of the state are unjust. Now then comes up a proposition. When the Industrial Commission went to Langer for information they found the information they get from him was not very reliable and when they found out he did not work as he should they were compelled to get someone that would work and it was for that reason that House Bill 13 was introduced. There is no camouflage about it. Is it not right when the Attorney General refuses to protect the state to provide for someone to protect it. He has more power than any other man in the state of North Dakota and he would have you believe he is a great man, and that he wants to do away with everything that is wrong, but if the man happens to be in favor of his side of the fence they needn't be very much scared. But the fellow that dares step on the other side, he will get what the Scandinavian-American Bank did. Even that honorable gentleman on the stand in the very cases he brought to trial, he didn't show anything very wonderful. It is a matter of court record that they came into the bank and gobbled up the money and liberty bonds and never made an itemized statement of what they took. What would you call that? Would you call that justice or bare-faced robbery? Went into the bank and never made an itemized statement of the things they took and letters out and had them photographed, stole them out of that bank. I say stole because the court held it was unlawful and that evidence came up yesterday, I believe it was, in Fargo and the evidence was rejected because the court held that those letters were taken from the bank illegally. The private business of that bank was taken out and made public property by the Attorney General. He has been out through the state saying that he had letters in his possession showing that the Scandinavian-American Bank discounted \$335,000.00 worth of post-dated checks, which was literally a lie. (Turning to Mr. Mees) I want you to get the full benefit of that.

Now, these are facts that stand out. I have an affidavit from Mr. Cathro, head man of the bank, saying that the Bank of North Dakota had never discounted any post-dated checks for the Scandinavian-American Bank and had not discounted any note or post-dated checks. Let your Attorney General prosecute Mr. Cathro if it is not so.

**Mr. Jacobsen:**

Mr. President, Will the gentleman yield to a question? Have you the original affidavit, or just a copy.

**Mr. Cahill:**

I have a copy but I think I can obtain the original affidavit.

**Mr. Jacobsen:**

I simply asked because you know you cannot prosecute on anything but the original affidavit.

**Mr. Cahill:**

I think I can get the original. Now these are the conditions and I believe it is a good thing that these things have been brought out because these things are not camouflaged and misrepresented and the facts stand out that this has not been a matter of enforcing laws but it is campaign talk

which has been spread all over the state to discredit the financial standing of this state and discredit the moral standing of this state, not only in this state but outside of this state. People in Illinois, Indiana and all over the United States are getting this stuff being handed out. Mr. Langer is a wonderful man and the papers are all helping him out. Some time ago this was not true, but as soon as he turned over he became patriotic and became a wonderful man and now he has gone back on the very identical things he stood for. Now he is out talking against those very laws and says that you fellows have degenerated so you are Bolsheviks and I. W. W.'s, but us, behold us, we are pure.

These are the conditions, gentlemen, and we should consider them and see what they mean.

### SENATE ROLL CALL

#### Senate Bill No. 4.

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 32, nays 16, absent and not voting 1.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Flecken, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Levang, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Micklethun, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Stenmo, Storstad, Whitman.

Absent and not voting: Sikes.

So the bill passed and the title was agreed to.

Mr. Mostad moved that the vote by which Senate Bill No. 4 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

### HOUSE CHAMBER

Bismarck, N. D., Dec. 2, 1919.

*Mr. President:* I have the honor to return herewith the following bills:

#### Senate Bill No. 7.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1918, relating to the destruction of predatory animals."

Which the House has passed unchanged.

Very respectfully,

GEO. A. TOTTEN, JR.,

Chief Clerk.

The courtesies of the floor were extended to Mr. August Krantz, Kenmare, N. D., Mr. W. I. Mc Bridee and C. J. Parker, of Minneapolis, Mr. O. O. Odegard, Mr. E. J. Pleytar, Mr

Albertson, Douglas, N. D., Mr. Olaf Lokensyard, Minot, N. D.,  
H. M. Wilson, Minot, N. D., Mr. Jack Williams, Fargo, N. D.

Mr. Bowman moved that the Senate recess until 1 o'clock  
P. M. tomorrow, which motion prevailed and the Senate  
recessed.

W. J. PRATER,  
Secretary.

## NINTH DAY AFTER RECESS AND TENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 3, 1919.

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

The Senate returned to the Sixth Order of Business.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried and providing the penalty therefor."

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

In Section 3, line 2, after the word "tried" strike out the word "to" and insert in lieu thereof the word "by".

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of

The committee on State Affairs made the following report: the Commissioner of Insurance as a member of the State Board of Equalization and as Secretary thereof instead of the State Auditor."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 34, "A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State, and to that end to establish a business system operated by the State under the name of the Home Building Association of North Dakota: Defining the scope and manner of its operation, and the powers and duties of the persons charged with its management; making an appropriation therefor, and

providing that the Association may retain title to the property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed thereof."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this State, to take over and operate any coal mine or other public utility in any emergency where necessary for the protection of life and property."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 50, "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

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

Strike out everything after the words, "A BILL," and insert in lieu thereof the following:

For an Act to amend and re-enact Section 4925, Compiled Laws of North Dakota, 1913, relating to insurance companies doing business within the State."

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Section 1. (Amendment.) Section 4925 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

Section 4925. If the Commissioner of Insurance is of opinion, upon examination or other evidence, that a foreign insurance company is in an unsound condition, or if it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination, or to perform any legal obligation in relation thereto, or, if a life insurance company, its actual fund, exclusive of its capital, are less than its liabilities, he shall revoke or suspend all certificates of authority granted to it or to its agents, and shall cause notification thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government, and no new business shall thereafter be done by such insurance company or its agents in this state while such default or disability continues, nor until its authority to do business is restored by the Commissioner. If upon examination the Commissioner is of the opinion that any domestic insurance company is insolvent, has exceeded its powers, has failed to comply with any provisions of law, or that its condition is such as to render its further proceedings hazardous to the public or to its policy-holders, he shall apply to the district court of the county in which the principal office of said company is located to issue an injunction restraining such company, in whole or in part, from further proceeding with its business. The court may, in its discretion, issue an injunction forthwith, or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual, and may make all orders or decrees needful in the premises, and may appoint agents or receivers to take possession of the property and effects of said company and to settle its affairs according to the course of proceedings in equity.

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

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 23, "A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota, relating to apportionment of State Aid Funds to rural schools, their inspection and administration and repeal all Acts and parts of Acts in conflict therewith."

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

Strike out everything following the words "A Bill" and insert in lieu thereof the following:

For an Act to amend and re-enact Sections 1445 and 1446 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 212 of the Laws of North Dakota for the year 1917, relating to State Aid for Rural Schools as represented by the one room, Graded and Graded Consolidated Schools.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Section 1.—That Section 1445 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 212 of the Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

Section 1445.—THE APPORTIONMENT, WHEN APPORTIONED, AMOUNT OF APPORTIONMENT.—Between the first and fifteenth of August of each year, the State Board of Administration shall apportion such amounts as are appropriated to each of said state graded consolidated schools, the sums named in Section 1446 of this Act; to each of state graded schools which have fully complied with the provisions of this Act and such additional rules as may be established by the State Board relating to state graded schools, the sum of one hundred dollars in each year to state graded schools of the first class; to state graded schools of the second class, a sum of seventy-five dollars; and to state graded schools of the third class, the sum of fifty dollars; and the board shall apportion to each of the state rural schools which have fully complied with the provisions of this Act and such additional rules as may be established by the board relating to state rural schools, the sum of fifty dollars in each year to each rural school of the first class; to each state rural school of the second class, the sum of forty dollars; and to each state rural school of the third class, a sum of thirty dollars; provided that in any district where the tax rate for the preceding year is five mills and less than eight, these amounts shall be doubled for each class of school, and that in any district where the tax rate of the preceding year is eight mills or greater, these amounts shall be trebled. These several amounts shall be paid by the state treasurer on the warrant of the state auditor when duly certified and filed with the state auditor by the superintendent of public instruction. Provided also that in case the amount apportioned shall not be sufficient to pay the amount specified, then the amount available shall be apportioned pro rata among the schools entitled thereto. Provided, further, that the state board of administration shall furnish to each state rural school, each state graded school and each state graded consolidated school a certificate of standardization and a metal plate designating the rank of such schools, the same to be paid for from the appropriation for these schools.

Section 2.—That Section 1446 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 212

of the Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

Section 1446. AID TO CONSOLIDATED SCHOOLS, CONSOLIDATED SCHOOLS DEFINED.) Any consolidated school meeting the requirements for the state graded school of the first class shall receive aid in the sum of four hundred dollars, any consolidated school meeting the requirements for the state graded school of the second class shall receive aid in the sum of three hundred fifty dollars, and any consolidated school meeting the requirements for a state graded school of the third class shall receive aid in the sum of three hundred dollars; provided that in any district where the tax rate for the preceding year is five mills and less than eight, each school shall receive double the amount named here, and that where the tax rate for the preceding year is eight mills or more, each school shall receive treble the amount. It is provided, further, that a consolidated school here and elsewhere in the law is one where at least two teachers are employed and at least eighteen contiguous sections are served, without regard to the manner of its formation.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

J. I. CAHILL,

Chairman.

#### CONCURRENT RESOLUTION

Introduced by Mr. Fraser

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

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

Mr. Fraser moved that the resolution be adopted.

The roll was called and there were, ayes, 38; nays, 0; absent and not voting, 11.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Carey, Church, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Levang, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Cahill, Drown, Haggart, Hyland, McBride, McCarten, McNair, Mees, Ployhar, Sikes.

So the resolution was adopted.

The Senate returned to the Fifth Order of Business.

## PETITIONS AND COMMUNICATIONS

BISMARCK, NORTH DAKOTA,

December 3, 1919.

*To the Hon. Members of the Sixteenth Legislative Assembly:*

Whereas, we believe that the greatness of this Nation, the splendid morale of its citizens, and also of its soldiers, are the result of high moral standards and of the conformity of our laws with the law of God, therefore,

Resolved, that we most earnestly petition the Senate in the Special Session assembled, to safeguard all the moral laws of the State, and especially to defeat Senate Bill 25, providing for commercialized baseball, Senate Bill 52, opening theaters on Sunday, and House Bill 52, repealing our present anti-cigarette law.

Signed, on behalf of the Woman's Christian Temperance Union of Bismarck, N. Dak.

Mrs. Ella C. Boise, President,  
Mrs. R. Mobley, Secretary,  
Mrs. A. S. Hoffman, Treasurer,  
and 70 other members.  
Cavalier, N. D.,  
Dec. 2, 1919.

Senator Walter Welford,  
Senate Chamber,  
Bismarck, N. Dak.

Your support of American Legion measures urgently requested.—R. G. Thomson, Post Adjutant.

Pembina, N. Dak.,  
Dec. 1, 1919.

Hon. Walter Welford,  
Senate, Bismarck, N. Dak.

Members of Pembina Post request your support of Legion measures.—Pembina Post American Legion, Geo. D. Peterson, Adjutant.

Kenmare, N. Dak.,  
Dec. 1, 1919.

Senator John E. Fleckten,  
Bismarck, N. Dak.

Dear Friend: We would like to have you get that widow law repealed. I mean the one in regard to the widow's pension. As we have just learned that some more old hens have come into the county that are perfectly able to take care of themselves, some of them are quite well-to-do, but are going to try and get a pension.

We want that the power should be taken away from the County Judge and given to the County Commissioners.

And that each city and township look after their own destitute. And that the destitute ones not be given the money, but have it investigated as to what they need and then give them an order on some certain store and state in the order what they are to have. So they cannot take the money and buy silk dresses to go to parties and so on, as some of the ones we are giving, or the Judge rather is giving it to, are doing now.

Try your best to put this through. The I. V. As. are howling their heads off about the taxes, but if we did not

have the taxes, how were we going to pay this widows' pension?

If they want the taxes cut in two, we want the pensions cut out, and let the ones that are perfectly able to work get out and work like we poor \$16.00 suckers are doing.

We wish you good success and we hope that you will get this through.

Yours truly,

Anton Klemmens.

We most earnestly petition the Legislature of North Dakota now in Special Session to safeguard the moral laws of the State, and take no steps toward repealing or weakening the law prohibiting Sunday theaters, moving picture shows, the anti-cigaretet law and prohibiting the charging of admission at Sunday baseball games.

Endorsed by a vote of 65 people at a service of the Methodist Episcopal Church at Sarles, N. Dak., Nov. 30, 1919. No votes against.—J. E. Freiberg, Chairman.

Park River, N. Dak.

To the Governor of North Dakota:

Whereas, We believe that the greatness of this Nation, the splendid morale of its citizen soldiers and its people, are largely the result of high moral standards, the conformity of the laws of the land with the laws of God,

Therefore, Resolved, That we most earnestly petition the Legislature of North Dakota, in special session, to take no steps toward repealing, referring, or weakening the law prohibiting Sunday theaters and moving picture shows, the anti-cigaretet law and the law prohibiting charging admission to Sunday baseball games.

Endorsed by the vote of the people at a meeting held at Rushford School House, N. Dak., on Nov. 23rd, 1919.

Signed by John A. Shaw and sixteen others.

Sarles, N. Dak.

Nov. 30, 1919.

Bismarck, N. Dak.

Believing the conformity of the laws of the land with the laws of God, to be necessary to the greatness of a country,

We most earnestly petition the Legislature of North Dakota, now in special session, to safeguard the moral laws of the State, and take no steps toward repealing, referring, or weakening, the law prohibiting Sunday theaters and moving picture shows, the anti-cigaretet law and the law prohibiting the charging of admission at Sunday baseball games.

Endorsed by the vote of 47 people at a meeting held at the Presbyterian Church at Sarles, N. Dak., November 30, 1919.—F. C. Leppert, Chairman of meeting.

To the Legislature of North Dakota Assembled at Bismarck.  
Greeting:

Whereas, We believe that the greatness of the Nation, the moral of its citizens, its soldiers and its people, is the result of high moral standards, the conformity of the laws of the land to the laws of God,

Resolved, That we most earnestly petition the Legislature now met in special session to safeguard all the moral laws of the State, and to take no step toward repealing, referring or weakening the law prohibiting Sunday theaters and moving picture shows, the anti-cigarette law and the law prohibiting the charging of admission at Sunday baseball games.

Endorsed by a vote of 60 people at a meeting held at the Presbyterian Church at Calvin, N. Dak., November 30th, 1919.—O. J. Eide, Chairman of Meeting.

## WORLD WAR VETERANS ORGANIZATION

Bismarck Post Number One  
Bismarck, North Dakota

Hon. Howard R. Wood,  
President, North Dakota Senate,  
Bismarck, North Dakota.

Dear Sir:

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

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

Respectfully submitted,

WORLD WAR VETERANS, POST NUMBER ONE.

By Committee: Ralph Madland, B. D. Homan, W. O. Skeels.

Minot, N. D., November 30, 1919.

We, the undersigned, favor the repeal of the Sunday theater law.

WM. O. LING and 60 Others.

Wishek, N. D., Dec. 1, 1919.

John Weber, Senator,  
Bismarck, N. D.

Kindly give us your best in support of Legion measure.

E. P. WALKER,  
Post Commander American Legion.

Fargo, N. D., Dec. 2, 1919.

Senator Charles E. Drown,  
Bismarck, N. D.

The seven hundred fifty women of the Woman's Christian Temperance Union in the Third Judicial District are counting on you to use your influence against bills to permit Sunday theatres and moving picture shows, to commercialize Sunday baseball and to repeal the anti-cigarette law.

KATE S. WILDER,  
District President.

Litchville, N. D., Dec. 1, 1919.

Hon. C. H. Noltmier,  
38th Legislative Dist.,  
Bismarck, N. D.

Earnestly request your support in American Legion measures.

MARTIN JACOBSON POST,  
By J. T. Kinneberg, Adjt.

Sykeston, N. D., Dec. 2, 1919.

Senator Wenstrom,  
Bismarck, N. D.

Burke Holdingsworth Post, Sykeston, requests your support of Legion measures.

E. F. SWARTHOUT,  
Commander.

Harvey, N. D., Dec. 3, 1919.

Senator James A. Wenstrom,  
Bismarck, N. D.

We urge your support to measures fostered by American Legion.

FRANK E. CURRY POST.

Fargo, N. D., Dec. 2, 1919.

State Senate,  
State Capitol,  
Bismarck, N. D.

Nine thousand Legion members North Dakota want blue laws repealed.

NORTH DAKOTA DEPARTMENT AMERICAN LEGION.

Fargo, N. D., Dec. 2, 1919.

State Senate,  
State Capitol,  
Bismarck, N. D.

Fargo trades and labor assembly want blue laws repealed.

ROBERT J. BOYD,  
President.

Langdon, N. D., Dec. 2, 1919.

Senator W. R. Porter,  
Bismarck, N. D.

Argonne Post American Legion, Cavalier County, requests your support of all Legion measures.

JUDD H. KIRKHAM,  
Post Commander, Langdon, N. D.

Fargo, N. D., Dec. 2, 1919.

Senator A. G. Storstad,  
Bismarck, N. D.

The seven hundred fifty women of the Woman's Christian Temperance Union in the Third Judicial District are counting on you to use your influence against bills to permit Sunday theatres and moving picture shows, to commercialize Sunday baseball and to repeal the anti-cigarette law.

KATE S. WILDER,  
District President.

Towner, N. D., Dec. 2, 1919.

The Lieutenant Governor,  
In the Senate,  
Bismarck, N. D.

We, members of the W. C. T. U. and citizens of Towner, McHenry County, protest against the passage of Senate Bill 52 by Haggart.

MRS. LOTTIE ROSECRANS.

Fargo, N. D., Dec. 2, 1919.

President of Senate,  
Bismarck, N. D.

Fargo Federation of Churches earnestly request you to use your influence and vote to defeat the bills now pending to repeal Sunday theatre, baseball and anti-cigarette laws.

E. C. FORD, Secy.

Mandan, N. D., December 3, 1919.

Senator J. I. Cahill,  
Bismarck, N. D.

Dear Senator:

Mandan Typographical Union No. 835 wishes to go on record as emphatically endorsing Senate Bill No. 52, relating to Sunday baseball, theatres, etc.

Please have this union recorded as being in favor of the passage of a bill that will permit of Sunday baseball, Sunday theatres, the legalizing of the sale of cigarets, and such other measures as will enable freeholders of the State of North Dakota to feel that they are indeed FREE.

Respectfully yours,

CARL S. EVANS,

(SEAL) President Typographical Union No. 835.

Mr. McCarten moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

## TENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.

December 3, 1919.

The Senate assembled, the President presiding.

Prayer by the Chaplain, Rev. Strutz.

The roll was called and the following Senators were present:

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

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of

the Eighth Day After Recess and Ninth Day and recommend that the same be corrected as follows:

On Page 2 strike out the last line and insert same as first line on Page 3.

On page 4, line 48, change the name "Otto" to "Ole."

Page 5, line 21, change the word "Rep." to "Senator", and the word "Brown" to "Drown."

On page 8, line 9, change the word "line" to "bill."

On page 8, line 55, strike out the figure "3" and insert in lieu thereof the names "Bowman, Cahill, Sikes."

On page 10, line 41, correct the spelling of the name "La-Moure."

On page 11, line 36, insert the words "the late" before the word "Senator."

On page 11, beginning with the word "insert", strike out the words "Insert Sections 1 and 2 of Chapter 67, Session Laws of 1919," and insert said sections in lieu thereof.

On page 16, line 33, change the word "his" to "this".

Page 17, line 24, change the word "prevent" to "present."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

Senate Bill No. 14, "A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of Licensed Architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State."

And find the same correctly re-engrossed.

A. G. STORSTAD,  
Chairman.

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

Mr. President: Your committee on Mileage and per Diem submit the following report:

District	Name and address	N. P.	Soo	G. N.	Mil.	Team	Total
17.....	C. I. Morkrid, Petersburg.....	390		252		22	664
16.....	J. L. Miklethun, Wimbleton....	300				16	316
46.....	R. L. Fraser, Garrison.....		156				156
32.....	O. H. Olson, New Rockford.....	326				20	346
28.....	A. M. Hagan, Westhope.....	390		480		5	875
24.....	E. A. Bowman, Kulm.....		220				220
7.....	A. Stenmo, Hatton.....	390		148		10	548
6.....	W. S. Whitman, Grand Forks...	390		160			550
21.....	F. H. Hyland, Devils Lake.....	390		336			726
49.....	H. P. Jacobson, Mott.....	268					268
9.....	G. W. Haggart, Fargo.....	390					390
31.....	M. L. McBride, Dickinson.....	230					230
25.....	W. Ziemann, Oakes.....		312			16	328
34.....	E. H. Kendall, McClusky.....	390		544		4	938
10.....	A. G. Storstad, Horace.....	412				6	418
18.....	W. H. Porter, Calvin.....	390		418			808
20.....	W. J. Church, York.....	390		412		27	829
35.....	J. A. Beck, McClusky.....	416					416
11.....	C. E. Drown, Page.....	388		84		25	497
37.....	C. W. Carey, Lidgerwood.....		404			20	424
45.....	Ole Eftestad, Balfour.....		296			10	306
2.....	J. E. Fleckten, Niobe.....		420	110			530
39.....	G. F. Hunt, Beach.....	360				10	370

District	Name and address	N. P.	Soo	G. N.	Mil.	Team	Total
40.....	Ralph Ingerson, Flaxton .....	512	280			6	798
8.....	H. H. McNair, Portland.....	390		122		7	519
4.....	P. J. Murphy, Grafton.....	388		280			668
28.....	C. H. Noltmier, Valley City....	274				12	236
42.....	A. Oksendahl, Tunbridge .....	388		448		10	846
15.....	F. E. Ployhar, Valley City.....	274					274
36.....	John Weber, Wishek .....		160				160
26.....	C. A. Ward, Hazelton.....	92				14	106
30.....	F. W. Mees, Glen Ullin.....	140					140
5.....	J. P. Hemmingson, Shawnee....	388		226		1	615
22.....	D. J. Beisel, Newville.....	390		404		8	802
13.....	Richard McCarten, Cogswell ...		344				344
44.....	E. H. Sikes, Stanley.....		382	101			490
47.....	J. I. Cahill, Leith.....	216			24		240
1.....	Walter Welford, Neche .....	774				12	786
12.....	Edward M. Nelson, Fairmount..	388			120	10	518
33.....	J. A. Wenstrom, Dover.....	310				2	312
19.....	John W. Benson, Rolette.....	388		458			846
48.....	A. A. Liederbach, Killdeer.....	254				12	266
43.....	E. Hamerly, Sherwood .....		382	162		14	558
29.....	Thorwald Mostad, Minot .....		382				382
3.....	Christ Levang, Adams .....	388		287			675
27.....	C. D. King, Menoken.....	30					30
41.....	Morten Mortenson, Hofflund ...	274	360	164		30	828

G. F. HUNT,  
Chairman.

Mr. Hunt moved that the report be adopted.  
Which motion prevailed.

Mr. Hyland moved that the report be printed in the Journal, which motion prevailed, and it was so ordered.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of District Judges, by making an appropriation therefor."

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

MR. McCARTEN,  
Chairman.

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

Mr. Levang moved that the committee report on Senate Bill No. 11 be adopted.

Which motion prevailed, and the report was adopted.

Mr. Wenstrom moved that the committee report on Senate Bill No. 35 be adopted.

Which motion prevailed, and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 20 be adopted.

Which motion prevailed, and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 50 be adopted.

Which motion prevailed, and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 23 be adopted.

Which motion prevailed, and the report was adopted.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 3, 1919.

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

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

House Bill No. 6. "An Act to Repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the Extension of the State Street Car Line and Providing for an Appropriation Therefor."

House Bill No. 10, "A Bill for an Act to amend and reenact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

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

House Bill No. 48. "A Joint Resolution creating a Joint investigation Committee, defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure

the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

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

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

Very respectfully,

GEO. A. TOTTEN, Jr.,

Chief Clerk.

Senate Bill No. 13 was read the third time.

Mr. Fraser:

This law provides for five assistant attorneys general and this amendment will throw it back until there will be two assistants. That will leave another assistant attorney general to take care of the land office, so that the attorney general will still have three assistants. When Mr. Linde was attorney general he only had one assistant attorney general. Now, I understand there is a bill introduced to do away with the inspection of pool halls, etc., by the attorney general's office and there won't be so much necessity of having assistant attorneys general. This will be thrown back more to the town and the towns will look after the enforcement of the laws and the county attorneys, and I might say to the same effect that there is a bill before the Senate, or will be, House Bill 13, by which there will be a state sheriff appointed by the Governor and I believe there is an appropriation providing \$25,000 for hiring if necessary special assistant attorneys general where it is necessary to hire them and maybe this is more along the line of carrying out the Industrial Program.

Now, this bill may be somewhat similar to the bill yesterday argued on the special order of business. I understand by the gentleman from Morton County that the Attorney General has only appropriated \$2,500 to hire special assistant attorneys general. It appears that it isn't necessary to have this money. He don't need it. There was a fund provided for special assistant attorneys general, by which he could take out of the general fund enough money to prosecute actions in carrying out the Industrial Program. It might have been better policy to use more than \$2,500.00, more than he did in defending the Industrial Program and give them the moral support. It might have been better policy to use more than \$2,500 but this bill, as I understand it, simply reduces the number of assistant attorneys general. This bill has nothing to do with special attorneys general, except as it might be related to the attorney general's office. It still leaves him two assistant Attorneys general besides one assistant to take care of the

land office department. I said that when Linde was attorney general he only had one assistant attorney general. Mr. Jacobsen:

Mr. President, it has always been my policy, both in the committees on which I have served, and also in this body, to not in any manner or to any degree hamper any officer or department in this state to fully comply with the duties imposed on that office or department. Mr. President, anything I may say concerning this bill, I wish to be frank and candid. I am not unmindful of anything I may say may avail nothing. I know that just as well as every member on the floor of this House and as well as every person in this state, nevertheless, Mr. President, I am not unmindful in reading down through the annals of history to see men who were in the minority have expressed their opinion frankly and candidly and that the things expressed by that minority have proved to be in the right.

There is one thing, we are absolutely incorrect today or we were absolutely incorrect the last session of the Legislature when these measures were enacted. Not only does Chapter 67 permit the Attorney General to employ special assistants but the number were also increased at that time from two to five. If we were in error at that time then perhaps we may be correct today, but I cannot sincerely persuade myself to believe that a body of men with the counsel and advice they must have had could have gone so far astray on the matter of the attorney general's office, I say here, if it is not necessary to have these officers, of course, we do not want them, but if it is necessary to have them then I for one am opposed that the law should be repealed.

Let us observe these matters more closely. Now we come to Senate Bill 26, which was reported out, and we observe that the State Auditor is removed from the Board of Equalization. In Senate Bill 40 from the State Auditing Board. In this bill here the Attorney General is reduced and upon the other he was absolutely removed. Now, I don't know what conditions would demand these changes. And Mr. President, while I hold the highest regard for the members of the Legislature upon this floor the expression of my candid opinion, and it may be erroneous, but it seems to me that this bill interferes with the duties of the office of the Attorney General, and when it comes to the matter of refusing this department or refusing the other, or giving expediency to this law or that, which refers to the welfare of the people of the State of North Dakota, I for one refuse to lend my vote, little though it may be, to anything of a political nature. If it be not of a political nature, then well and good. If it be that such is the case, and from a person who stands on the outside and who knows nothing of what transpires except what it may observe, my humble, candid opinion is that it is absolutely one of power.

And then replying to the other gentleman. I do not know what he refers to when he speaks of the Industrial program, because every commission has power to hire attorneys they see fit and I do not believe that Chapter 67 had anything to do with the Industrial Program, but be that as it may, unless the State of North Dakota has changed so greatly that we can reduce the number of assistant attor-

neys general from five to two I believe it is an unwise policy, but, Mr. President, it is not only necessary to protect the interests of the Industrial Program but the other interests of the state. Something has been said here with regard to some state officer that he had refused to do his duty. Now, Mr. President, I believe I do not agree with all of the officers that are in power in North Dakota and many of them hate me worse than poison, but I wish to say I believe there is not a solitary officer who is wilfully corrupt. Men are prone to error but I do not believe there is any man elected to state office, whether he agrees with me or not, that is wilfully and absolutely corrupt. I believe that all men in whom the people of the state have imposed their confidence to do their duty as they see it have done it. But an officer cannot enforce the law and enforce the right unless he creates some enemies and creates some discord.

If this matter is purely of a political nature then I in no degree will lend my vote to it. If we were so far in error in the last session of the Legislature,—but I cannot constrain myself to believe that we were, nor can I persuade myself to believe that there isn't an abundance of work for the attorney general to do. Such being the case there is no other conclusion I can come to, Mr. President, I am constrained to the fact that this bill is absolutely political in its character.

#### CHURCH:

I have not the vocabulary at the command of my friend, the Senator who just sat down. Nevertheless, we have heard him give strong oration in support of the officers whom this bill hit. Now, gentlemen, I have only a few words to say in explanation of the stand I take on this proposition, and I am going to take this opportunity to say it.

He wants to take it that we were in error at the last session or that we must now be trying to play politics. A year ago I came to this Senate and sat here for the people of Benson County as I was two years before in the House, to put a certain program into effect. At that time we had men elected to state office in whom we imposed our faith. We placed those men in positions of trust to put that program across. It was then known that we would have to have special attorneys, more attorneys than we had at that time. We didn't hamper the attorney general in any shape or form. We gave him all the men he thought he would need, for what purpose? Why, to protect the Industrial Commission, to protect ourselves from assault of the enemy from all sides. We went home from that Session feeling in our hearts that the man would do as we had instructed him to do. Now, the man's judgment erred for two years before that coming in contact with that program. After we left these men they could not stand by our industrial program and they couldn't fulfill the duties of their office to such an extent that our Governor had to hire attorneys to defend the program. If he in his position has not seen fit to use the money we have given him to defend this program I can see no objection in giving the power to a man who will use his best judgment to defend this program. We are putting the attorney general back to the

same identical status as he was before. We are going to defend that program and give the men an opportunity to defend that program in the way it should be defended. We are not robbing him of any of the men he wants because he has absolutely sat down on the job and will not defend or help the Industrial program along. Until such time as the people of this state say they don't want the Industrial program I am here to pass whatever laws are necessary to help that thing along, be that what it may.

MEES:

If this bill is to be passed on its merits, I believe that we are entitled to evidence of the merits. And if it is to be passed as a retaliating measure I think we are entitled to treat it as such. Now, in this body there have been charges made, yesterday and has been repeated today, that the attorney general is laying down on the job, hasn't done his duty. I want to just refer to one particular section and I want to read into record a communication at this time in answer to certain charges that have been made, and will cover charges made today on that particular subject, but I think we can cover that subject also.

We find there was charged on the floor yesterday "Now let us look at some of the things he has done. The gentleman spoke of the Standard Oil case which was being handled. What are the conditions? When this case came up for hearing this state was not represented and when the case was presented to the court the Standard Oil Attorney said he would go out and get the attorney for the state and he went out and got Mr. Sheets." We find further over here "And then in the Standard Oil case, just think of the Standard Oil attorney having to go out and find an attorney to defend the other side. They couldn't lose this case because the law was so straight, all they had to do was prevent it. Instead of defending us he is working against the state and is out on the stump telling that the laws of the state are unjust."

Now, Mr. President, if these charges are true it is perfectly right and just and proper and should come before this body and the person who is responsible should be held accountable. And if they are not true these offhand reports should be refuted and I have gone to the Attorney General's office and have asked him to supply me with a statement of facts on the statement that was made yesterday on the floor and I am going to read this now into the Journal.

To the Honorable Members of the Sixteenth  
Legislative Assembly, in Special Session:

Sirs:

It has come to my attention that a member of the Senate yesterday on the floor of the Senate charged either that I had "lain down," "sold out" or "gone to sleep," or did all three in the Standard Oil Company case.

Senator Cahill, who made that statement, either deliberately misrepresented the truth or either deliberately falsified

The full record of the Standard Oil Company case is as follows:

1. The Standard Oil Company filed its bill on Thursday July 10, 1919, and the subpoena that was served on me started to appear in Fargo on July 30, 1919.

2. On July 21st, Judge Charles F. Amidon wired me that the hearing was set in St. Paul at ten o'clock A. M. on July 22nd, and that the other Judges would be Circuit Judge Hook, and Judge Booth of the Minnesota District.

3. I immediately telephoned Judge Amidon that it was very nearly physically impossible to prepare the brief thoroughly in three days.

4. Judge Amidon stated that this was the only time at which the three Judges could meet as they were going on their vacations and insisted on the State getting ready in three days.

5. I immediately detailed Assistant Attorney General Packard and Assistant Attorney General Foster and turned over all office help to help them prepare their briefs.

6. On July 21st Assistant Attorney Generals Packard and Foster appeared in St. Paul before Judge Amidon, Hook and Booth, and argued the injunction and at the conclusion requested of the Honorable Court that we be allowed fifteen days to file an additional brief. The Judges finally by a vote of two to one allowed us ten days.

7. At the conclusion of the argument before the Court Assistant Attorney General Packard suggested that it would be grossly inequitable to allow an injunction to issue with the Standard Oil Company collecting the tax in the way of increased sale price. This was discussed by the court and the attorneys and in open court the Attorneys for the Standard Oil Company agreed that if the injunction issued that they would immediately lower the price of straight run gasoline a cent a gallon and all other gasoline a quarter of a cent a gallon thereby deducting the tax from the selling price.

8. We won at St. Paul, the Judges denying the Standard Oil Company's demand for immediate injunction and thereafter I received the following letter:

"Minneapolis, Minn., July 23, 1919.

Hon. Wm. Langer,  
Attorney General.  
Bismarck, N. D.

Dear Mr. Langer:

After court adjourned yesterday the Judges decided to enlarge the terms of the Order in the case of the Standard Oil Company v. Olson, so that it should provide as follows:

The defendants shall have fifteen days from the date hereof, within which to prepare counter affidavits and a written brief. The plaintiff shall then have five days within which to prepare reply affidavits and reply briefs.

Both affidavits and briefs are to be sent to J. A. Montgomery, Clerk U. S. District Court, Fargo, North Dakota. Three of the briefs and three copies of the affidavits, in typewriting, shall be sent to the Clerk for transmission to the Judges. At the time of sending the briefs and affidavits to the Clerk, copies thereof shall be mailed to opposing counsel.

Very truly yours,  
CHARLES F. AMIDON,  
Judge.

9. Immediately after Mr. Packard's return, and at his request I appointed former District Judge S. L. Nuchols of Mandan, and former District Judge W. S. Lauder of Wahpeton, to assist in the case.

10. Judge S. L. Nuchols of Mandan was detailed to assist in the preparation of the briefs asked for by Judge Amidon's letter.

11. Judge W. S. Lauder was instructed to secure all possible affidavits and counter affidavits.

12. Immediately called a conference of Judges Lauder and Nuchols at Fargo with Pres. E. F. Ladd, State Oil Inspector and with his Chief Deputy, Mr. Jackman. We met in Fargo, and Oil Inspector Ladd detailed his Chief Deputy, Mr. Jackman, to assist in getting affidavits to be presented

13. Assistant Attorney General Foster was detained to take off enough time in helping Judge Nuchols with the Brief, to ascertain if there were any experts in the United States who could give affidavits which would off set those of the Standard Oil Company's expert and especially that of William M. Burton, President of the Standard Oil Company of Indiana.

14. I attempted to hire Clifford Thorne, the Attorney for the leading independent Oil companies in the western part of the United States, and we wired him. Mr. Thorne is the man who appeared before the League caucus advocating the passage of the bill which created this tax. We also asked in my telegram to Mr. Clifford Thorne whether the presidents of any of these independent oil companies would make any affidavits to assist us.

15. I received a telegram from Mr. Thorne of Chicago, Illinois, stating that while he was at Bismarck that he had suggested to William Lemke that he had serious doubts as to the constitutionality of the law because of the way the bill was drawn and said this while the same was pending before this very assembly.

16. Clifford Thorne suggested that the only man who would likely make an affidavit was L. B. Hancock, President of the Pure Oil Company of Minnesota.

17. I immediately telephoned Judge Lauder to proceed to Minneapolis at once to get the affidavit of L. B. Hancock.

18. Assistant Attorney General Foster stated that the only expert in the United States who could off set efficiently President William M. Burton's affidavit was W. F. Rittman of Pittsburg, Pa.

19. We immediately wired the Mayor of Pittsburg asking him to locate Rittman so that we could get in touch with him.

20. The mayor replied giving us Rittman's address. We wired Rittman asking his assistance.

21. August 2nd Mr. Rittman replied as follows:

Pittsburg, Penn., August 2, 1919

William Langer,  
Attorney General,  
Bismarck, N. D.

Answering your telegram August first do not believe I can be of assistance to you in this matter because personally am a strong advocate of cracked gasoline as well as intelligent-

ly blended gasolines which considering mileage are not inferior to straight run materials and without these materials there would be a very serious shortage indeed and prices would be higher. The only hope of the gasoline situation is cracking.

W. F. RITTMAN."

The above telegram speaks for itself and shows that Mr. Rittman, the greatest opponent of the Standard Oil Company in the United States, would not assist us.

22. Judge Lauder and I called another conference in Fargo and called to see Judge Amidon asking for an extension of fifteen days.

23. Judge Amidon stated that our request for an extension of fifteen days was hopeless. The Judges Hook and Booth would not under any consideration agree to it, although he himself was perfectly willing to have the time extended.

24. We filed the affidavits of:

E. F. Ladd, verified August 4, 1919.

George T. Walker, verified August 4, 1919.

Burton L. Smith, verified August 5, 1919.

Thomas W. Jackman verified August 5, 1919.

25. Previous to this time Edw. E. Lindquist of Fairmount, while at Bismarck, promised Assistant Attorney General Packard to come up to our office and sign an affidavit and to secure other affidavits. Lindquist is an officer of the Home Oil Company of Fairmount.

26. Judge Lauder and I, when Lindquist failed to appear in my office, went to Fargo and had Dr. Ladd ask Thomas W. Jackman to secure affidavits of H. M. Wilson and others.

27. About a week afterwards, on the failure of these affidavits to appear, I received a letter from E. F. Ladd stating that one Attorney Lashkowitz was getting the affidavits and filing a brief as a friend of the court and asking whether he should sign.

28. I wrote to Dr. Ladd that Lashkowitz did not in any way represent this office and a short time afterwards I received a letter from Judge Amidon stating that Lashkowitz had not filed either his brief nor the affidavits he had secured and Judge Amidon refused to file the same without my consent. I replied by return mail requesting Judge Amidon to file both the brief and affidavits.

29. Judge Amidon complied with my request over the protests of the Standard Oil Company and filed the affidavits of E. E. Lindquist, H. M. Wilson, J. A. Hoffman, Alex Leurson, and Lawrence Larson.

30. I learned that Senator Mees, member of the Tax Committee of the Senate had a transcript of the testimony given by Lindquist at the time the bill was under consideration by the Senate Committee.

31. I telephoned Senator Mees and had him come to Bismarck for a conference and Assistant Attorney General Packard inserted in his brief Senator Mees' statement of the flash test and experiment conducted before the legislative caucus together with the transcript of the testimony given by Lindquist.

32. I filed the brief prepared by Assistant Attorney General Packard and Special Assistant Attorney General Nuchols.

33. Judge W. S. Lauder secured an affidavit from an officer of any independent company and I instructed that he immediately file the same.

34. Judge Lauder immediately filed the affidavit which was signed by an officer of the company who had repeatedly refused to make any affidavit and finally did so only at Judge Lauder's earnest solicitation.

35. I filed the briefs and affidavits and upon consideration by the Court the Judge denied the application of the Standard Oil Company for a temporary injunction and I had again beaten the Standard Oil Company.

36. The Standard Oil Company then made application for a modification of the order to the extent that a stay in the proceedings be granted for the purpose of appealing to the Supreme Court.

37. Immediately upon receipt of the said application I wrote Judge Nuchols as follows:

"Hon. S. I. Nuchols,  
Mandan, N. D.

Dear Judge:--As you know the injunction in the Standard Oil Case has been over-ruled. I take it that further steps to protect the State are now necessary and I would like to have you take these immediately.

Yours very truly,

WILLIAM LANGER,  
Attorney General."

38. I O. K'd the voucher of Judge Lauder in the sum of \$80.00 for his services and wrote him as follows:

Sept. 18, 1919.

"Hon. W. S. Lauder,  
Wahpeton, N. D.

Dear Judge Lauder:

I am in receipt of your favor of the 16th in re, the Standard Oil Co. vs. Obert Olson. Needless to say I felt very much pleased when I learned that the application of the plaintiff for a temporary injunction was denied.

I have O. K'd your bill and filed same with the State Auditor. I regret that it will probably be sometime before you get your money from the State for the reason that the State has no money in the General Fund. Your bill for legal services was very reasonable and I desire to thank you very warmly for your assistance in the matter. I will want your help further at the time the trial is up.

Yours sincerely,

WILLIAM LANGER,  
Attorney General.

WL:P

39. On September 23rd I wrote Judge Young, one of the attorneys for the Standard Oil Company as follows:

"Hon. N. C. Young, Judge,  
Fargo, N. D.

Dear Judge Young:

I wish you would please let me know by return mail

whether the Standard Oil Company will not pay the oil tax which is now in litigation pending the suit. I dislike very much to take any drastic action unless I am compelled to and I understand from Mr. Packard that this would be commenced to be paid if the injunction was not granted. Ordinarily there would not be such a great hurry about the matter but the State Treasurer is especially low at this time and we will need every dollar. If you can give us any assistance in getting the oil tax paid it would be greatly appreciated.

Yours very truly,

WILLIAM LANGER,  
Attorney General.

W. L. P

40. Judge Young replied requesting again that the State defer any action in the matter of the collection of these taxes.

41. On September 26th I replied as follows:

"Hon. N. C. Young, .

Watson Young & Conmy,  
Fargo, N. D.

My dear Mr. Young:

In re Standard Oil Co. vs. Obert Olson.

I am in receipt of your favor of yesterday in re the above.

After considering the matter we have come to the conclusion that there is no reason why the Standard Oil Company should not pay its taxes the same as any other company and we are therefore starting an action to collect the taxes delinquent at this time.

Yours very truly,

WILLIAM LANGER,  
Attorney General.

W. L. P

Under date of September 26, immediately after writing Judge Young, I wrote the following letter of instructions to Assistant Attorney General Foster:—

"Sept. 26, 1919.

Hon. George K. Foster,  
Asst. Attorney General,  
Bismarck, N. D.

In Re. Standard Oil Company  
vs.  
Obert Olson, et al.

Dear Mr. Foster:

In accordance with our conversation in re the above case, I have made an investigation and find that practically all of the companies have paid their oil tax with the exception of the following:

Standard Oil Co., Fargo, .....	June	\$35,265.42
Standard Oil Co., Fargo, .....	May	32,304.03
Standard Oil Co., Fargo, .....	April	21,073.15
Marshall Oil Co. ....	May	370.77
Vantilburg Oil Co. Minneapolis .....	April 1	4.11
National Refining Co. ....	May	62.99
Sioux City		
Soo Line Ry. Minneapolis .....	April	59.65

Master Oil Co., Fargo.....	April	26.0.
Standard Oil Co., Fargo, .....	March	36,978.77

Totaling, together with penalties and interest nearly \$150,000.00 of which amount \$143,730.00 is due from the Standard Oil Company.

I want to have this Company hauled up before the bar of justice, either arrest the officers of the company or corporation itself, attach their property, or do anything else which you believe will get the tax. The Treasurer needs the money and we must get it if possible.

Yours,  
WILLIAM LANGER,

42½. On October 7th I received the following letter from J. A. Montgomery, Clerk of the United States District Court.

"Messrs. O'Connor & Johnson, Grand Forks, N. D.  
Messrs. Miller, Zuger & Tillotson, Bismarck, N. D.  
Hon. Wm. Langer, Attorney General, Bismarck, N. D.  
Gentlemen:—

Judge Amidon will hear the argument on motion to dismiss in the Grain Grading case on next Saturday, October 11th, at two o'clock in the afternoon.

Very truly yours,  
J. A. Montgomery, Clerk."

43. At the same time I received a letter from J. A. Montgomery stating the Standard Oil Case would come up at ten o'clock in the forenoon of October 11th.

44. On the day I received the letter I wrote as follows:  
"Messrs. Watson, Young & Conny,  
Attorneys at Law,  
Fargo, N. Dak.

Dear Sirs:

*Re: Standard Oil vs. Obert Olson, et al.*

I am in receipt of your favor of yesterday, in regard to the above matter. Either Mr. Sheets or Judge S. L. Nuchols will appear at the hearing of your application for a superedeas on next Saturday morning.

Yours very truly,  
WILLIAM LANGER,  
Attorney General."

45. On October 8th I wrote further, as follows:

"Mr. J. A. Montgomery,  
Clerk U. S. District Court,  
Fargo, N. Dak.

Dear Sir:

I am in receipt of your favor of yesterday and note that Judge Amidon will hear the argument on motion dismiss in the Grain Grading case, on next Saturday, October 11th, at two o'clock in the afternoon.

Mr. Sheets or Judge Nuchols, or both, will be present at that time.

Thanking you, I am

Yours very truly,  
WILLIAM LANGER,  
Attorney General."

46. Judge Nuchols suggested that the Grain Grading Case would take all his time; that it involved millions of dollars in dockage, grading, etc., and was more important than the Standard Oil Case, and requested that Mr. Foster, who had assisted in the preparation of the brief in the Standard Oil Case, make the argument.

47. From telephone conversations with Assistant Attorney General Sheets I knew the Scandinavian-American Bank matter was taking all his time and in conversation with him over the telephone I told him that Assistant Attorney General Foster would take care of the argument in the Standard Oil Case:

48. Immediately after telephoning Assistant Attorney General Sheets I directed Assistant Attorney General Foster to make the argument in the Standard Oil Case, on Saturday morning, October 7th.

49. On Saturday, October 7th, I found Mr. Foster was at the office and immediately called for Asst. Attorney General Sheets, Judge Nuchols and Attorney N. C. Young of Fargo, all of them at Fargo. I was unable to get Asst. Attorney General Sheets or Judge Nuchols before ten o'clock in the morning, at which time the hearing was set, but I did get Judge N. C. Young and immediately requested the case be postponed until Monday. Judge Young reluctantly agreed that the adjournment would be satisfactory to himself and Attorneys Martin and Butler, who were present. I also asked Judge Young to go and see Mr. Sheets at the hotel and have him represent us in the matter of the adjournment before Judge Amidon.

50. Judge Young was unable to get hold of Mr. Sheets but when he appeared before Judge Amidon he stated Mr. Sheets was at the hotel and that he would try and find him. When Mr. Sheets was located he immediately stated he knew too little about the case to present the argument and joined in the request that it be continued until Monday.

51. This was agreeable to Judge Amidon who set the case for Tuesday.

52. Governor Frazier, while enroute to South Dakota, without conference of any nature or description with the Attorney General's office, appointed Seth L. Richardson of Fargo, on Saturday.

53. Mr. Foster appeared before Judge Amidon on Tuesday and argued the case. Mr. Richardson interfered just enough to spoil the argument with the result that all that Mr. Packard and Mr. Foster had accomplished was undone, and the Court directed there be a stay of proceedings until the motion of the Standard Oil Company was finally decide and in the event they determined to appeal until their appeal was perfected in the Supreme Court of the United States.

54. The argument made by Asst. Attorney General Foster, in this case, was so brilliant that Judge Charles F. Amidon wrote me a personal letter complimenting me on Asst. Attorney General Foster's splendid presentation of the case.

55. The net result of the Governor's 'butting in' to the case was the State of North Dakota has been restrained from the collection of these taxes, which Mr. Foster was all

prepared to proceed with at the time he was in Fargo arguing the motion.

The conclusion is too obvious to need pointing out; that these charges have been concocted out of whole cloth for political effect and that the Attorney General's Office has not been dilatory or negligent in this case but has done every thing possible to safe-guard the interests of the State. I wish to state further that what was done in this case by the Attorney General's Office has been done in every other case since I have been Attorney General. The interests of the State have been ably guarded. I have not read Senator Cahill's remarks but if the rest of them are as reliable as in the Standard Oil Company case you can judge as to the value of them

Very respectfully,

WILLIAM LANGER,  
Attorney General.

WL-PGM

Now, Mr. President, in returning to the presentation of facts to you, I do this for the purpose of pointing out that this general charge is based on newspaper reports as a rule because it cannot be based on facts. The facts are in the office and if anyone wants those facts they have access to those facts. It is your right to go in there and find out if there is any foundation. If there is no foundation to them then we have no right to pass any legislation of this kind. If there is foundation for the arguments or if there is foundation for having legislation of this kind. Mr. President, it is perfectly right that is be passed, not only that, the guilty parties or officers should be removed from office or punished in some form or other. I do not believe in making these remarks offhand and the remarks that have been made that the attorney general has not defended the program, I want to see the facts before I believe those arguments; and if they are facts present them and establish them before this body.

CAHILL:

*Mr. President,* I would like to say that in a republic the only way a republic can succeed and continue to prosper is by open discussion and the laws be administered and carried out through the will of a majority of the people having a vote in that republic. Now, we know that the people in this state have voted at least three times to have this program put into effect and we know that this program is not being put into effect. They can read all the decisions and arguments they want but it is plain to anyone who can read or understand English that the Industrial program is being delayed and who is the cause of the delay?

The gentleman in reading his remarks, he acknowledged he could not find Sheets. Of course he couldn't, he was down in the Scandinavian-American Bank looking up postdated checks. The very thing that elected the attorney general of this state, and all of a sudden he found they were not good security. These are the conditions that confront us gentlemen, pardon me Mr. President for not addressing you first, but I know you will not care as you are not prone to flattery.

Now, we will go on to other things. Some of the gentlemen in this assembly say they like to be consistent. I believe when this bill was up for passage some time ago, this very bill we are trying to change a little bit now, I believe some gentlemen in this assembly voted against it. They vote against that bill and now they say they are systematic and want to keep it on the statute books. Now, they made a mistake when this bill was passed or they must be making a mistake now.

Now, in regard to carrying out these oil cases and such as that, these are the reports that came and came from a good source and it has not been contradicted by the gentleman who just read this long list of arguments that there wasn't neglect in carrying out this thing in the proper way at Fargo. Furthermore, you don't have to take my word for it. The Supreme Court records of this state show that some of the officers of this state will not carry out the laws until they are compelled to do it by decision of the court.

In the statement the gentleman just read, he says the public funds of this state were so low they didn't have money to pay these gentlemen, if I get his statement correct. Does he mean to say there was no money in the State of North Dakota. That we haven't thousands and thousands of dollars in the different funds? Ladies and gentlemen, this administration is prevented to a great extent from carrying out its industrial program. Like school boys they are getting jealous of each other and doing everything they can to carry a point. That is why some of these bills have been introduced, so we can get money owing to people of the state out of the Bank of North Dakota, saving people of this state paying interest on this money by borrowing it. Just to think you have to go to the Supreme Court of this state to get money from the officers of the state just because they have seen fit to refuse to carry out the duties of their office. Money that is to be collected in taxes and should not be collected until next year has been transferred to some of these different funds, the bounty fund, etc., has been side-tracked and pigeonholed for the proposition. They have elected these officers and have asked them to put the Industrial program into effect and they are not doing it, and I challenge anyone to deny that fact. The facts stand out themselves. You don't have to ask anyone, if you can read or write or see you can see what is being done. Whose fault is it? You can't blame it onto the Governor or the Commissioner of Agriculture and Labor. They are doing everything in their power to help matters along. Well, then who can you blame it on? You can blame it on different men who are bringing actions in different courts in the state.

Now these are conditions, ladies and gentlemen, and it is not politics. It is necessary, and if you have a man on the job and he won't do it it isn't more than right that the man should be set aside and give it to men who will carry out the wishes of the people.

JACOBSEN:

In reply to the gentleman from Grant, who seemed to state by inuendo, referring to me, because he said there were certain men who said so much about being consistent. Now, there are only three who have spoken, Senator Church, Mees

and myself and if you will refer to Senate Journal, page 117 you will find that we all three voted for the bill. So his insinuation that I was not consistent in this matter is absolutely groundless. I suppose the gentlemen's memory is at fault.

FRASER:

The gentleman from Hettinger, I understand there were some Senators who voted against that bill last session. If you will look on page 117 you will find that is true. Also there were some senators absent, including Mr. Hyland, the gentleman from McHenry County, the gentleman from Morton and one or two others.

JACOBSEN:

I took it he directed his remarks against those speaking.

BOWMAN:

The gentleman from Morton did not vote for this bill. He is recorded as absent.

JACOBSEN:

I am not defending Mr. Mees, I am taking care of myself.

FRASER:

Now, the gentleman from Hettinger didn't include me in his remarks. I believe I was one of the first gentlemen speaking at length on this bill. Of course, I did this more because I was chairman of the judiciary committee and the gentleman from Ramsey asked for an explanation.

BOWMAN:

The gentleman from Hettinger made the statement that Mr. Mees voted for that bill. According to the records on page 117 of the Senate Journal he is recorded as absent and not voting; also Senator Berg, Hyland and Kendall.

McNAIR:

Our memories are sometimes at fault.

LIEDERBACH:

I would like to say just a few words on that question. I notice when the Senator (turning to Mees) spoke of this bill yesterday he enumerated the attorneys that were selected to prosecute the cases for the attorney general's office and there was none appeared there from that office, that they were all attorneys from the outside. He mentioned Judge Carmody, Shaffer, Owens, Lawder, Pollock and Pollock and there were one or two others. Now, I think there is necessity of this bill. It seems to me if the attorney general hasn't got confidence enough in the attorneys general he selects himself that it is necessary for us to make provision that someone help that has better judgment to select those attorney generals.

MEES:

Will the gentleman from Dunn yield to a question? Your statement enumerating names that you have taken. I wish to know if you refer to that as my statement or the statement of the gentleman from Grant.

LIEDERBACH:

I am not sure but somebody made the statement.

MEES:

I wish to correct you on that point as they are the remarks of the gentleman from Grant and I am not responsible.

LIEDERBACH:

Now in the case of the first assistant attorney general who was I presume supposed to be the cleverest for that office,

otherwise he would not have been appointed and given full charge of the office, consequently we have reason to believe that he is the most clever in law and I believe he is for the purpose for which he is in. I notice when he went to Montana and spent some time out of the state in prosecuting cases that he made this remark. "No real American can object to the honest presentation of a new theory of government." Evidently he was satisfied in his own mind that a new theory wasn't so much himself. "I know no better way to judge a political movement than by the belief of the originators and champions. If this is the test then the Nonpartisan League is a Socialistic movement. Connecting it up with the red Socialist, I. W. W. anarchist."

Now, the Nonpartisan League or the motives that prompted it was before the people of this state and Minnesota long before I believe Mr. Packard came into North Dakota and thereby he charges the farmers of North Dakota of being red socialists, anarchists and poor if any Americans.

I think he stated later on, "In my judgment the crew of Socialists which surround A. C. Townley constitutes a real menace to the State. Many of them are atheists and many others have strange notions of the relations which should exist between the sexes and of the status of the family in society."

Now then, this organization originated a long time ago. There was necessity for it. Because Townley came upon the scene is no reason why we should be classed as anarchists, red socialists and I. W. W.'s., and a dozen other different names that I do not know what they mean altogether. Now, if our attorneys general are so competent and if they were competent would it be necessary for them or for the attorney general to seek assistance outside of his own office.

I remember also that the only law that was declared unconstitutional by the long haired gentleman that the gentleman spoke of yesterday, using terms I do not know the meaning of as I am not sufficiently educated to know the definition of it, the only law that was drafted by the attorney general was declared unconstitutional, so far others have been constitutional as decided by our courts, and I think it is high time there is some provision made whereby we can get attorneys general that have got some ability or ability enough to compete with any of the attorneys of the big corporations that we have to contend with, even if we have to take some of the opposition of the Senate that I believe are competent.

**PLOYHAR:**

I understood at the beginning of the Session that there would be several bills introduced to clip Langer's wings. Now, I believe they clipped one wing yesterday and I very much believe they are going to clip another wing today and we still have lots of bills left. If Mr. Langer is guilty of all the crimes you claim why in the name of heavens don't you bring him before the bar of the Senate and impeach him? You dare not do it, that's why.

#### SENATE ROLL CALL

Senate Bill No. 13. "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the

laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general; and repealing Chapter 67 of the laws of North Dakota for the year 1919, relating to special assistant attorneys general."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 33, nays 15, absent and not voting 1.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Levang, Liederbach, McCarten McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 13 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Fraser moved that Senate Bill No. 4 be referred to the Judiciary committee, which motion prevailed and it was so ordered.

Mr. Levang moved that the rules be suspended in so far as it is necessary as to consider Senate Bills Numbers 26, 34, 40, 31, and 37 properly engrossed and put on the Calendar for third reading today, which motion prevailed and it was so ordered.

Mr. Liederbach moved to re-refer Senate Bill No. 34 to the committee on State Affairs, which motion prevailed.

### SENATE ROLL CALL

Senate Bill No. 26.

"A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 33, nays 15, absent and not voting 1.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Levang, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No.

26 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 40.

"A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 33, nays 15, absent and not voting 1.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly Hemmingsen, Hunt, Ingerson, King, Levang, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 40 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 37.

"A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Was read for the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 48, nays 0, absent and not voting 1.

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

Absent and not voting—Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 37 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 31.

"A Bill for an Act authorizing the Governor as Commander.

In-Chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 33, nays 15, absent and not voting 1.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Levang, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Westrom, Ziemann.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Sikes.

So the bill passed and the title was agreed to.

Mr. Levang moved that the vote by which Senate Bill No. 31 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS

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

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

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

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

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

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

House Bill No. 6. "An Act to Repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the Extension of the State Street Car Line and Providing for an Appropriation Therefor."

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

House Bill No. 10.

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

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

House Bill No. 5.

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

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

The courtesies of the floor were extended to P. O. Engstad of Picken N. D.

Mr. Levang moved that the Senate recess until 1 o'clock P. M., which motion prevailed and the Senate recessed.

W. J. Prater,  
Secretary.

#### CALENDAR DECEMBER 4, 1919.

Senate Bill No. 11.

"A Bill for an Act authorizing the Bank of North Dakota to make loans to various departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota Relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration, and to repeal all acts and parts of acts in conflict therewith."

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

## TENTH DAY AFTER RECESS AND ELEVENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 4, 1919.

The Senate assembled pursuant to recess taken, the President presiding.

The Senate returned to the sixth order of business.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations, to whom was referred Senate Bill No. 33, "A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

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

**R. McCARTEN,**

Chairman.

Mr. King moved that Senate Bill No. 33 be re-referred to the committee.

Which motion prevailed, and it was so ordered.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations, to whom was referred Senate Bill No. 17, "A Bill for an Act to permit the State Flood Control Engineer to build and construct drains in Richland County, North Dakota, and to dredge, straighten, deepen and embank the Bois de Sioux River for the purpose of relieving the southeastern part of Richland County from flood and other waters, and providing an appropriation therefor."

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

**R. McCARTEN,**

Chairman.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations, to whom was referred Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

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

**R. McCARTEN,**  
Chairman.

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

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations, to whom was referred House Bill No. 5, "A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion."

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

**R. McCARTEN,**  
Chairman.

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

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary, to whom was referred Senate Bill No. 14, "A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

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

**R. L. FRASER,**  
Chairman.

Mr. R. L. Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 15, "A Bill for an Act authorizing the Commissioner of Immigration to appoint deputies, and make all necessary contracts for the purpose of carrying out the provisions of Chapter 145 of the Laws of North Dakota for the year 1919."

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

**J. I. CAHILL,**  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 34, "A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its man-

agement; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

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

That Senate Bill No. 34 be amended by adding to the title thereof after the last word the following "and declaring this Act to be an emergency measure."

That Section 1 be stricken out and the following inserted in lieu thereof:

Section 1. That Section 12 of Chapter 150, of the laws of North Dakota for the year 1919, be and the same is hereby amended, and re-enacted, as follows:

Section 12. Whenever a member of a Home Buyers' League shall have deposited with the Association a sum equal to twenty per cent of the total selling price of a home or farm home, the Association shall, upon his application, purchase or build such home or farm home and convey it to him upon a cash payment of twenty per cent, the balance to be secured by a purchase money mortgage on the property, or the Association may retain the title to the property and give the buyer a contract for deed therefor. Every such contract may be recorded in each county in which the lands therein described are situated. In either case the balance due is to be paid on an amortization plan by means of a fixed number of monthly installments sufficient to cover, first, a charge on the loan, at a rate to be determined by the Industrial Commission, second, a charge for administration and surplus at a rate not exceeding one per cent per annum on the unpaid principal, said two rates combined constituting the interest rate on the deferred payments; and third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than ten or more than twenty years. Additional payments may be made on any regular installment date, under the rules and regulations of the Industrial Commission. In case of any accident, crop failure or other event, which reduces the buyer's reasonable income by one-half, all payments under such contract may in the discretion of the Industrial Commission be extended from time to time for a period of one year; provided, however, that on the payment of all installments such further annual payments shall be payable as will pay the interest, with interest thereon, for the years for which no payments were made.

Every mortgage referred to in this Section, and the note or other obligation thereby secured shall run to "The Manager of the Home Building Association of North Dakota, his successors in office or his assigns," as payee and mortgagee, and each shall contain a recital that it is executed and delivered in conformity with and upon the conditions expressed in this Act. Every such mortgage shall be duly recorded in the county or counties in which the lands therein described are situated, and shall be thereupon delivered to the Manager of said Association, and, together with said note or other obligation, shall be held by the Manager as a part of the assets of the Association, or shall be otherwise disposed of as hereinafter provided. If so held, payments

upon the note or other obligation secured by said mortgage shall be made to the Home Building Association of North Dakota and whenever it shall have been fully paid, the Manager shall promptly satisfy and discharge the mortgage lien of record and deliver the mortgage cancelled, with a satisfaction thereof, to the person entitled to receive it.

Every such mortgage, together with the note or other obligation thereby secured, may be sold and assigned upon the payment to the Association of the full value thereof, and upon such sale and assignment, the Manager may endorse either with or without recourse. In that case payments upon said note or other obligation shall be made to the person entitled to receive them; but each such assignment shall be made subject to the provisions concerning extension of the time of payments on account of any accident, crop failure or other event, as provided in this Section, and subsequent action of the Industrial Commission in that regard shall be binding upon the assignee of such mortgage provided, however, that after assignment of such mortgage extensions of payments for a yearly period shall be limited in total number to not more than one for every period of five years or fraction thereof during which such mortgage has to run after the date of assignment.

Every such mortgage, together with the note or other obligation thereby secured, may be assigned, and upon order of the Industrial Commission shall be assigned, to the State Treasurer of the State of North Dakota as security for bonds to be issued by the State as provided by law. In case of such assignment all payments due upon said note or other obligation shall be made to the State Treasurer, and the money so by him received shall be by him held or disbursed as is by law provided. If while any such mortgage so assigned to the State Treasurer is in his hands, the note or other obligation thereby secured shall have been fully paid, the State Treasurer shall so certify to the Manager of the Association, who shall thereupon proceed to satisfy said mortgage in the same manner as though said note or other obligation had been paid directly to the Association. In like manner every such contract of sale, provided for in this Section may be assigned, and upon order of the Industrial Commission shall be assigned as security for bonds to be issued by the State as provided by law. In case of such assignment, payments contemplated by such contract shall be made to the State Treasurer and the Treasurer shall inform the Manager of the Association of payments made him under such contracts, and the Association shall perform its part under said contract in the same manner as if payments were made to it direct. In case of such assignment to the State Treasurer of any such mortgage or sale contract, the provisions contained in this Section, respecting extensions on account of any accident, crop failure or other event, shall be effective and shall be applied. Provided, however, that no such mortgage, note or obligation shall be so assigned as security for bonds so to be issued if the total amount remaining unpaid and payable upon such mortgage shall exceed one-half of the value of the real estate by which such mortgage, note or obligation is secured, nor unless it shall be a first mortgage upon such real estate.

By adding thereto a new section to be known as Section 2, as follows:

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

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 16, "A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

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

Strike out everything after the word "Bill" and insert the following:

That Senate bill No. 16 be amended by striking everything after the words "A Bill" and inserting in lieu thereof the following:

"An Act to amend and re-enact Sections 625 and 626 of the Compiled Laws of North Dakota for the year 1913; and to amend and re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 252 of the Session Laws of North Dakota for the year 1917.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Section 1. That Section 625 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Section 625. The Commissioner of Noxious Weeds shall diligently examine and investigate into the existence and introduction of sow thistles in his district and if any of such noxious weeds are found growing therein he shall take charge of all such as are growing upon highways and upon cultivated lands and prevent the same from going to seed, or otherwise spreading, and it shall be his duty to investigate and ascertain the best practicable methods for their destruction and he shall persistently apply at proper times such remedy or treatment as he shall deem best suited to prevent their spread and to eradicate the same, and he shall serve upon all persons, partnerships, firms, corporations and associations owning or controlling any lands where such noxious weeds are growing, written notice to destroy the same within a time specified in said notice; and upon their failure to do so, he may enter upon any such lands for the purpose of destroying any sow thistles growing thereon.

Section 2. That Section 626 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Section 626. In case said sow thistles are found growing upon cultivated lands or lands sown to crop or upon which

crops may be growing and the owner, agent or occupant thereof has failed to destroy the same as provided by in the preceding section; the commissioner shall consult and advise with the owner, agent or occupant as to their treatment and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant as to the boundaries of the tract so infected which it is expedient for him to control for the purpose of destroying such noxious weeds and shall mark the same by stakes and thereafter such infected tract, or as much as from time to time remains infected, shall be managed and controlled by the said commissioner for the purpose of destroying said thistles and for so long a time for which it may be necessary to complete such work. In case the commissioner and the owner, agent or occupant of said land cannot agree as regards the propriety of the commissioner controlling such tract, or the boundaries of the same, the question shall be settled in the following manner:

The owner, agent or occupant of the land shall select one person to represent him, the weed commissioner shall select one to represent him and the two parties shall select a third party and these men so selected shall constitute a Board of Arbitration to settle all questions relating to the destruction of sow thistles, and there shall be no appeal from their decision; and the owner or occupant of such land shall pay all costs and expenses of labor for said extermination, which shall not exceed the sum of One Hundred Dollars for each One Hundred Sixty acres or fraction thereof, in any one year, without the written consent of the County Commissioners and that the sum so expended shall be a lien upon said tract of land so infected and treated; and if the owner or occupant shall not pay the same to said commissioner on or before the first Monday of December following, the commissioner shall certify under oath to the County Auditor the amount so due on each tract; and it shall be the duty of said commissioners to collect the same and to certify the amount to the County Treasurer, the same to be charged in the form of taxes against the land so infected and so treated.

Section 3. That Section 624 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 252 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Section 624. Whenever the board of county commissioners of any county is petitioned by at least one-sixth of the voters in such county, said board shall appoint some competent person in each commissioner's district of said county, who shall be styled commissioner of noxious weeds, who shall take the oath required of county officers and shall hold his office for the term of one year, and until his successor is appointed and qualified. Each such commissioner shall receive for compensation the sum of five dollars per day for each day necessarily spent in the performance of his duties, and mileage at the rate of ten cents per mile for each mile necessarily traveled. The board of county commissioners may at any time for good cause remove any weed commissioner from office and appoint a successor to serve the remaining portion of his time, and it shall be

the duty of said board of county commissioners to strictly enforce all of the provisions of Article 28 of Chapter 5 of the Political Code of the Compiled Laws of 1913.

And all the powers and duties of the township supervisors, city council or board of trustees of any town or village, in said Article 28 are hereby transferred and made part of the duties and powers of the county commissioners of each county.

Section 4. That Section 627 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 2 of Chapter 252 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Section 627. It shall be the duty of the board of county commissioners to pay out of the general fund the salary and mileage of the commissioners of noxious weeds, and all expenses incurred for labor by said weed commissioner or commissioners in the destruction of the noxious weeds and all expenses and disbursements incurred under the provisions of Article 28 of Chapter 5 of the Political Code of said Compiled Laws, upon verified vouchers duly audited and approved.

And the board of county commissioners in each county may appropriate and set aside a sum not exceeding five thousand dollars in each year, or so much thereof as is necessary to pay the salaries and expenses of the commissioners of noxious weeds ; and the board is authorized to levy a sufficient tax on all taxable property for such purpose.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

**J. I. CAHILL,**

Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 18, "A Bill for an Act to amend and re-enact Sections 2 and 5 of Chapter 139, Session Laws of North Dakota for 1919, relating to the extermination of grasshoppers.

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

**J. I. CAHILL,**

Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill, No. 24, "A Bill for an Act to amend and re-enact Section 5 of Chapter 186 of the Session Laws of the State of North Dakota for the year 1915, relating to the support of needy women who are the mothers of, and who are compelled to support, one or more children under fourteen years of age."

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

**J. I. CAHILL,**  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs, to whom was referred Senate Bill No. 45, "A Bill for an Act declaring sow thistle to be a noxious weed, providing for its destruction and providing for the payment of the expense of its destruction."

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

**J. I. CAHILL,**  
Chairman.

The committee on Insurance made the following report:

Mr. President: Your committee on Insurance to whom was referred Senate Bill No. 51, "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of hail insurance and hail insurance department in the office of the Commissioner of Insurance."

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

In Section 3, line 2, page 2 of printed bill, after the word, "amended", strike out all of line 2 and line 3, and substitute the words, "to read as follows:".

In section 3, line 10, strike out "15th" and insert "10th".

In Section 6, line 11 of printed bill, after the word, "Auditor", strike out the period and insert the following: "and the County Auditor shall note upon his crop listing affidavit the number of acres and legal description of land so withdrawn."

In Section 6, line 16, strike out the semi-colon and insert comma and the following: "such consent to be filed with the County Auditor together with owner's application for withdrawal."

And when so amended recommend the same do pass.

**WALTER WELFORD,**  
Chairman.

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

The committee on Judiciary made the following report:

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

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

**R. L. FRASER,**  
Chairman.

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

The committee on State Affairs made the following report:

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

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

**J. I. CAHILL,**  
Chairman.

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

The committee on State Affairs made the following report:

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

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

**J. I. CAHILL,**  
Chairman.

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

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 2, "A Bill for an Act to amend and re-enact Section 4 of Chapter 214 of the Laws of North Dakota for the year 1919, relating to the limitation of tax levies and debt limits in counties and political subdivisions thereof; repealing all Acts and parts of Acts in conflict herewith."

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

**THOMAS PENDRAY,**  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred a Resolution introduced by Mr. Ployhar, relating to the suspension of the eight-hour law as it applies to coal miners.

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

**J. I. CAHILL,**  
Chairman.

The Senate returned to the fifth order of business.

## PETITIONS AND COMMUNICATIONS

To the Senate and House of Representatives, Special 1919 Session of the Sixteenth Legislative Assembly, of the State of North Dakota.  
Gentlemen:—

WHEREAS, on or about January 6, 1919, one Alice Anna Bixby, was in the employ of the state in the capacity of domestic in the kitchen of the School for the Deaf, a State Institution at Devils Lake, and on that date had her right hand amputated by an automatic bread mixer, thereby rendering her right arm useless, and

WHEREAS, said Alice Anna Bixby has no visible means of support, and said Institution has no appropriation whereby she may be in some measure provided for on account of said disability, and

WHEREAS, since this unfortunate accident happened the Legislature has seen the necessity for making provisions for workers who are injured or maimed at their work by passing the Workmen's Compensation Act,

NOW THEREFORE, the Board of Administration of the State of North Dakota, has duly considered said matter and does hereby recommend that the said Special Session of the Sixteenth Legislative Assembly make such commensurate appropriation for the aid of Alice Anna Bixby, as may be deemed just and reasonable in the premises.

Witness our hands and the seal of said board, this second day of December, A. D., 1919:

(Seal)

GEO. A. TOTTEN,

Chairman, Board of Administration, State of North Dakota.

Attest:

CHARLES LIESSMAN,  
Executive Secretary.

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

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

Endorsed by vote of all 225 people at a meeting held at the opera house at Velva, N. Dak., on November 23, 1919.

Signed by EDW. BURLING,

Pastor M. E. Church, Chairman, and 2 Other Pastors.

Harvey, N. D., Dec. 1, 1919.

Hon. James A. Wenstrom,  
Bismarck, N. D.

We favor the passage of an act to repeal the Sunday theatre laws.

ROBERT L. YALL and 159 Others.

Binford, N. D., Dec. 2, 1919.

Representative J. L. Mikelthun,  
Bismarck, N. D.

Kindly support all measures adopted by the American Legion.

O. A. ALM,  
Adj. Jonas A. Helland Post.

Hannaford, N. D., Dec. 1, 1919.

Senator John Mikelthun,  
Bismarck, N. D.

We sincerely ask your support on Legion measures now before the Legislature.

M. A. THORESON,  
Chairman, Mervin J. Armstrong Post.

Grand Forks, N. D., Dec. 3, 1919.

Senate of North Dakota,  
Bismarck, N. D.

The W. C. T. U. of Grand Forks, we petition the Legislature of North Dakota in special session to safeguard all the moral laws of the state and to take no step toward repealing, referring or weakening the law prohibiting Sunday theatres and moving picture shows, the anti-cigarette law and the law prohibiting the charging of admission at Sunday baseball games.

MRS. J. D. VANDUSEN.

WHEREAS, A bill has been introduced into the special session of our Legislature to repeal the tax on credits, and

WHEREAS, said tax has a tendency to keep capital out of the state and especially because it penalizes a merchant, banker, or dealer for giving credit at a time when a large portion of our state is very much in need of credit, and

WHEREAS, said tax is an injustice in that it does not allow debts to be deducted from credits,

THEREFORE BE IT RESOLVED, by the Larimore Commercial Club that we ask our Legislature to repeal said law, and

BE IT FURTHER RESOLVED, That copies of these resolutions be sent to our Senator and Representative and that they be asked to introduce these resolutions in the Senate and House and that they be requested to give their earnest support to said repeal.

J. DEXTER PEIRCE,  
Secretary.

Jamestown, N. D., Dec. 2, 1919.

Hon. Thomas Pendray,  
Bismarck, N. D.

Christian Temperance Mothers of Stutsman are counting on you to defeat Senate Bill 52, Sunday theatres, and House Bill 52, cigarettes. Show this to representatives from Stutsman.

MRS. FRED M. WANNER,  
Pres. County W. C. T. U.

Jamestown, N. D., Dec. 2, 1919.

Hon. Thomas Pendray,  
Bismarck, N. D.

We urge that you vote and use your utmost influence

against Senate Bill 52 permitting Sunday performances in theatres and against House Bill 52 permitting sale of cigarettes to persons over 21.

GEO. L. HEMPSTEAD and WATSON E. BOISE,

Jamestown, N. D., Dec. 2, 1919.

Senator Pendray,  
Care Capitol,  
Bismarck, N. D.

The Christian Temperance Mothers of Stutsman county are depending on you to help defeat Senate Bill No. 52, Sunday theatres, and House Bill No. 52, cigarettes. Please show this to Stutsman County representatives.

MRS. ALICE A. HOLCOMB,  
Pres. W. C. T. U.

Jamestown, N. D., Dec. 2, 1919.

Hon. Thomas Pendray,  
Bismarck, N. D.

Jamestown Ministerial Association urge your vote and influence on Stutsman Representatives to defeat Senate Bills 52, Sunday theatres, and House Bill 52, cigarettes.

JAMESTOWN MINISTERIAL ALLIANCE,  
By Ward F. Boyd.

Mr. Cahill moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

The Senate returned to the sixth order of business.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 11.

"A Bill for an Act authorizing the Bank of North Dakota to make loans to various departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota Relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration, and to repeal all acts and parts of acts in conflict therewith."

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised

Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 1.

"A Joint Resolution ratifying a proposed amendment to the Constitution of the United States."

Senate Bill No. 7.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

Mr. A. G. Storstad moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 21.

"A Bill for an Act to increase the salaries and per diem of county officers."

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

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 39.

"A Bill for an Act to amend Section 852 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Section 1 of Chapter 150, of the Laws of North Dakota for the year 1915, relating to primary elections."

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

J. I. CAHILL,  
Chairman.

Mr. Wenstrom moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

## ELEVENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 4, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer by the chaplain, Rev. Geo. Buzzelle.

The roll was called and the following Senators were present:

Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hyland, Jacobsen, Kendall, King, Levang, Liederbach, McBride, McCarten, McNair, Mees, Miklethun, Murphy, Nelson, Noltimier, Ksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Westrom, Whitman, Zieman.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign Senate Bill No. 1.

"A Bill for a Joint Resolution ratifying a proposed amendment to the Constitution of the United States in regard to Woman's Suffrage."

Senate Bill No. 7.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

And the President signed the same in the presence of the Senate.

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of the Ninth Day after recess and tenth day and recommend that the same be corrected as follows:

On page 1 line 23, after the word "committee" insert the words "on State Affairs."

On page 10 strike out line 17.

On page 12 correct the spelling of name "Miklethun."

On page 13 transpose the last two lines and the two lines immediately preceding them.

On page 14, after line 39 insert the title to House Bill No. 6. Strike out line 45 and insert in lieu thereof the titles of House Bills numbers 42, 48, and 49.

On page 16, line 55, strike out the word "my" before "command" and insert in lieu thereof the word "the."

On page 28, line 19, correct the spelling of the word "originated." Strike out line 50 and insert in lieu thereof the title of Senate Bill No. 13.

Page 29, line 17, change the word "refer" to "re-refer."

Page 30, correct the spelling of name "Stenmo."

Page 30, line 39, change the figures "38" to "33."

Strike out line 57 and insert in lieu thereof title to Senate Bill No. 42.

Page 31, strike out lines 2, 6, 10 and insert in lieu thereof

the titles to Senate Bills Numbers 48, 49, and House Bill No. 6.

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

Mr. McCarten moved that the committee report on Senate Bill No. 17 be adopted which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 15 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 18 be adopted.

Mr. Mees moved as a substitute motion that the report be not adopted.

The roll call was demanded and there were ayes 20, nays 23, absent and not voting 6.

Ayes: Beck, Beisel, Carey, Etestad, Haggart, Hyland, Jacobsen, McBride, McCarten, Mees, Mostad, Murphy, Nelson, Ployhar, Porter, Stenmo, Storstad, Ward, Whitman, Zie-man.

Nays: Benson, Berg, Bowman, Cahill, Drown, Fleckten, Fraser, Hagan, Hemmingsen, Ingerson, Kendall, King, Liederbach, McNair, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Weber, Welford, Wenstrom.

Absent and not voting: Church, Hamerly, Hunt, Levang, Mortenson, Sikes.

And the motion was lost.

The question being on the adoption of the committee report on Senate Bill o. 18 the motion was sustained and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 24 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 45 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 2 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 21 be adopted, which motion prevailed and the report was adopted.

Mr. Mees moved as a substitute motion that the report be not adopted.

The roll was called and there were ayes 15, nays 30, absent and not voting 4.

Ayes: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Nays: Benson, Berg, Bowman, Cahill, Church, Drown, Et-

testad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McNair, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

So the motion was lost.

Absent and not voting: Levang, McCarten, Mortenson, Sikes.

The question being on the adoption of the committee report on Senate Bill No. 21, the motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on the resolution introduced by Mr. Ployhar relating to the repealing the eight hour law in relation to coal mines be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 16 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 34 be adopted, which motion prevailed and the report was adopted.

Mr. Welford moved that the committee report on Senate Bill No. 51 be adopted, which motion prevailed and the report was adopted.

#### SENATE ROLL CALL

Senate Bill No. 11.

"A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 44, nays 1, absent and not voting 4.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Etestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays: Nelson.

Absent and not voting: Levang, Mortenson, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. McCarten moved that the vote by which Senate Bill No. 11 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts and parts of acts amendatory thereto."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 45, nays 2, absent and not voting 2.

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

Nays: Beisel, Carey.

Absent and not voting: Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 35 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 47, nays 0, absent and not voting 2.

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

Absent and not voting: Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 43 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 23, "A Bill for an Act to amend and reenact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to apportionment of state aid funds to rural schools, their inspection and administration, and to repeal all Acts and parts of Acts in conflict therewith."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were , ayes, 47; nays, 0; absent and not voting, 2.

Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mor-

tenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 23 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 20 was read the third time.

Mr. Hyland moved to amend Senate Bill No. 20 as follows: In the printed bill, Section 1, line 7, place a period after the word "state" and strike out the balance of line 7 and 8.

Mr. Hyland moved that Senate Bill No. 20 be placed at the foot of the calendar for today, which motion prevailed and it was so ordered.

#### SENATE ROLL CALL

Senate Bill No. 50, "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 43; nays, 0; absent and not voting, 6.

Ayes—

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

Absent and not voting—Beck, Bowman; Levang, McCarten, Morkrid, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 50 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Cahill moved that the rules be suspended insofar as is necessary to consider Senate Bills Numbers 14 and 42 properly engrossed and put on the calendar for third reading, which motion prevailed and it was so ordered.

#### SENATE ROLL CALL

Senate Bill No. 14, "A Bill for an Act to amend and reenact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architects as a profession in the State of North Dakota."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 42; nays, 1; absent and not voting, 6.

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

Nays—Fraser.

Absent and not voting—Beck, Hagan, Levang, Morstad, Miklethun, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 14 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 40; nays, 5; absent and not voting, 4.

Ayes—Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Stenmo, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays—Beisel, Carey, Nelson, Porter, Storstad.

Absent and not voting—Beck, Levang, Mostad, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 42 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

The Senate returned to the fifth order of business.

#### MEES:

I would ask the consent to return to the fifth order of business for a few minutes.

Mr. President, I rise to a point of personal privilege under this order of business. Under the discussions that have been had here for some little time, certain broad charges have been made against certain state officials and indirectly I have been challenged to answer the questions contained in these charges and not being the official who has been charged with misconduct it has been necessary for me in order to answer the specific charges to get the information, and I wish at this time to read into the record a letter covering a number of these charges.

BISMARCK, NORTH DAKOTA,

December 3, 1919.

To the Honorable Members of the Sixteenth  
Legislative Assembly, in Special Session:

Sirs:

Supplementary to my communication of yesterday I desire to state that I have read Senator Cahill's remarks made December 2nd.

Although the record as given to you yesterday completely and unanswerably shows that Senator Cahill's statement was a falsehood, yet there is another statement contained in his remarks to which I wish to reply, which is as follows:

"He (Mr. Langer) has been out through the state saying that he had letters in his possession showing that the Scandinavian-American Bank discounted \$335,000.00 worth of post dated checks which was literally a lie. I want you Senator Mees to get the full benefit of that. Now these are facts that stand out. I have an affidavit from Mr. Cathro head man of the Bank saying that the Bank of North Dakota had never discounted any post dated checks for the Scandinavian-American Bank and had not discounted any note or post-dated checks. Let your Attorney General prosecute Mr. Cathro if it is not so."

I do not blame Mr. Cahill for getting excited about the closing of the Scandinavian-American Bank. Any one interested can read the newspaper accounts at the time and can readily understand why the Senator with thousands of dollars worth of this bank's paper in the Scandinavian-American Bank of Fargo should become exceedingly fidgety.

But Mr. Cahill cunningly changed the wording of my speech and stated that I had said that "the Scandinavian-American Bank discounted \$335,000.00 worth of post dated checks," what I did say was this, "that the amount of \$333,460.83 of bills receivable for which post-dated checks and notes were held at collateral was sent to the bank of North Dakota." As proof of this statement I say that the following letter signed by H. J. Hagen, President of the Scandinavian-American Bank, of Fargo, was sent to F. W. Cathro, Director General of the Bank of North Dakota:

Bismarck, N. D., August 29 1919.

F. W. Cathro, Director General,  
Bank of North Dakota,  
Bismarck, N. D.

Dear Sir:

In accordance with our recent conversation I am inclosing for rediscount our bills receivable, endorsed and guaranteed by this bank in the sum of \$333,460.83. Please deposit to our credit.

I am enclosing also resolution of our board of directors duly adopted and of record, authorizing this transaction. Should some of these notes be unsatisfactory we will replace with other.

We hold for your account farmers notes and post dated checks in the aggregate amount of \$500,000. to protect the above bills receivable. We will proceed with collection of same and remit proceeds should such collection be made prior to maturity of notes which they secure.

We hold pledge of the National Nonpartisan League and of Consumers United Stores Co. both of which assigns and guarantee all collateral notes and post dated checks. We enclose statement of Consumers United Stores Co.

There are some notes taken on two signatures and also on the guarantee of endorsers. These have been carefully selected as to quality, and if collateral was required at the time loans were granted in order to secure their safety, we have it here in our files and will hold same for your amount.

As to statements of makers of these notes, they are mainly well to do farmers and if necessary we can forward statements later. We are short of help and unable to rate each maker in detail. We will gladly rectify any technical errors.

Yours very truly,

H. J. HAGEN,  
President.

From the above letter it cannot be denied that over a third of a million dollars of bills receivable was in one mail sent to the State Bank of North Dakota; it cannot be denied that the bills receivable had back of them as collateral the notes and post-dated checks of the National Nonpartisan League and Consumers' United Stores Company.

J. R. Waters or F. W. Cathro dare not make an affidavit denying that they received this paper and they dare not make an affidavit that the paper was not sent them "as per the conversation" and that a resolution was not adopted by the Board of Directors of the Scandinavian-American Bank, authorizing such transaction.

As soon as I ascertained that a third of a million dollars in bills receivable had been sent from the Scandinavian-American Bank of Fargo to the State Bank of North Dakota, then whatever I could possibly do as Attorney General to find out the true situation, I did. I instructed the State Auditor, whose legal duty it is to check all the public accounts of the State of North Dakota, to examine the Bank of the State of North Dakota, which presumably holds all the public funds of the State. When the State Auditor came to check up the books of the Bank of North Dakota, the people of this state had the edifying spectacle of Waters and Cathro claiming that the bank containing all the public money of the State of North Dakota was a private institution and that the State Auditor had no business to check it; and I said then, and I say now that if there had been nothing wrong in the Bank of North Dakota that Waters and Cathro should have thrown the books open to the State Auditor, they should have welcomed an examination and investigation.

The report of State Auditor Kostizky made during the short period he was allowed in the bank shows that the State Bank of North Dakota carried over a quarter of a million dollars of cash in the Scandinavian-American Bank, which two deputy Bank Examiners appointed by Waters and Lofthus themselves, said "hopelessly insolvent" and the doors of which bank they had recommended should be closed immediately.

Let me say further gentlemen that not a single step was taken in the closing of the Scandinavian-American Bank but which was amply justified both legally and morally.

Senator Cahill's remarks contain so many falsehoods that I dislike to take the time to answer each one specifically but I have read the remarks from beginning to end and there are almost as many lies and falsehoods, innuendoes, insinuations

and words twisted into deliberate deception as can be found in any daily issue of the Courier-News, the Grand Forks American or the weekly issue of the North Dakota Leader.

Respectfully submitted,

**WILLIAM LANGER,**

Attorney General.

Now, Mr. President, I read this into the journal, not as my own statements but as the statements of the Attorney General's office and I do so because of having been attacked on this floor here and having been challenged to cover these points raised.

**CAHILL:**

Mr. President, it seems the gentleman has had a second inflation. Now, there is no use in playing boy about this. The Laws of North Dakota, 1919, read as follows: "The State Examiner shall personally or through deputy examiners visit the Bank of North Dakota at least twice annually, and shall inspect and verify the assets in its possession and under its control, with sufficient thoroughness of investigation to ascertain with reasonable certainty whether the valuations are correctly carried on its books. He shall investigate its methods of operations and accounting. He shall report the results of each such examination and investigation to the Industrial Commission as soon as practicable, and to the Legislative Assembly at its next ensuing session, and as provided in paragraph numbered 5 of Section 5146 of the Civil Code, Compiled Law 1913, to the State Banking Board.

That is the law we are living under. I believe the gentleman who just spoke helped to make that law. Now, we will go back and take the things up from the beginning.

The gentleman whom he is defending,—it is natural that he should have implicit belief in him, it is natural he should adore him and raise him above our heads, because I think he is very much interested in this gentleman he is representing so strongly and he doesn't hesitate calling people liars. I will not use that statement in regard to him. I have no respect for this sentiment but I do wish to stick to the truth and I believe it is the truth the people are after, and now I have read you the law and I want you, ladies and gentlemen, to be the judges. It is the law. I have read it to you.

The gentleman makes the statement that the Attorney General sent the State Auditor down there to examine the Bank of North Dakota. Then he says according to law. Now, I have read the law to you and it is up to you to judge. Why, I suppose if the Attorney General had his way about it he would have Kositzky down there all the time examining those banks. Hasn't Kositzky anything to do except being bank examiner of this state? Is he ward of the entire state? Can the Attorney general set aside laws and commence investigating banks? That is one of the falsehoods he said I said as connected with that.

Now we will take up the Attorney General, that wonderful fellow, whose word must not be disputed. Let us see what about him. There is a town down in our county called New Leipzig. The Attorney General went down there and after speaking for about two hours in German he cut loose in the

language of the United States for about one hour. In his statement he had the same identical dope that your Senator has submitted to you today, that is that the Scandinavian-American Bank had sent papers to the Bank of North Dakota and, Mr. President, we have never contradicted this statement that the Scandinavian-American bank did send these papers to the Bank of North Dakota. The only thing we said was that the Bank of North Dakota never accepted these papers. We have affidavits to show it. But the Attorney General referring to those identical papers said, or words to that effect, I have the dope on those socialists, I. W. W.'s, etc., and he gave me the impression and made the remarks that these were the facts and now his friend here is trying to put him out of a wobbly position, trying to clear up the mistakes he made down there. For the trap he had set and the plans he had originated and information sent out to people of this state before the bank was closed, so that the banks of this state called for cash on that day from the Scandinavian-American Bank shows clearly and beyond doubt that the Attorney General had a finger in taking advantage of the Scandinavian-American Bank. It shows further that the system he took of investigating the Scandinavian-American Bank was contrary to law and was illegally made when the bank examiner of this state was away. I am satisfied that the bank examiner, Mr. Lofthus was sent down to Florida by a majority of the banking board with this in mind for he was no more than out of the state when they changed from the banks they were supposed to examine and went to the Scandinavian-American Bank.

Ladies and Gentlemen, I leave it to you, post-dated checks have been in the banks of this state for several years. Post-dated checks were in the banks when Mr. Langer was elected. Mr. Langer cannot contradict that there were post-dated checks in the banks when he was elected and they remained in the banks of this state as first-class security during his first two years, and then when he was re-elected that wonderful man, who wants justice visited on everyone, after he was elected the second time when he couldn't have things his own way, when he couldn't through his own ambition become ruler of everything, he turned against them. He declares post-dated checks are no good, and in his own statement quotes A. C. Townley as proof that these post-dated checks are no good. Isn't it peculiar how people do, how when they want to advance themselves can make stumbling blocks the same as the attorney general is doing?

Now he challenges me in regard to the statement I made yesterday in regard to the \$350,000.00 worth of post-dated checks. I am not exactly sure about the amount but he himself says \$333,000.00 and something. It makes no difference. I did make the statement that the Bank of North Dakota did not discount these notes and I am here to make that statement again, and, gentlemen, I challenge him to prove that the Bank of North Dakota did discount them.

Now, let us take up that wonderful man, Kozitsky. He is the fellow who has all the information in the state, has all the patriotism in the state, the only man in North Dakota who waves a red flag in the face of the people of North Dakota. Talk about your red flag laws. I believe we do need one to prevent certain officials carrying one in their pocket (applause). That is, some of them. Now, this won-

derful man, this Carl the great, he was sent down to the Bank of North Dakota to examine it, and they let that wonderful man in there to examine the bills receivable, because they knew the I. V. A. press would come out and say they would not let them into the Bank of North Dakota because it is filled with post-dated checks, and this wonderful Carl went into the bank and examined the bills receivable and then when he was going home at night had all the vaults sealed up for fear someone might peek in while this man was away. Then the officers refused to allow him to go further, which was perfectly right and proper. Why should an outsider be permitted to come in and search your files, and perhaps if this Carl was let to run he would take the same tactics as the Attorney General did at Fargo and he would have photographed the letters and you and I would have to pay for the photographs, especially when they take those letters unlawfully from the banks of North Dakota. I do not believe the Attorney General has any more right to take letters from the banks than anyone else. After they had let this big man Carl examine the Bank of North Dakota to a certain extent, the bills receivable, so it could be shown there were no bills receivable in the Bank of North Dakota, then he was going on through and they said "No. You do not examine any further." I am not stating exact words, but they were to that effect. We are not going to turn over all the correspondence and all of the business of the Bank of North Dakota for you to use as political dope, because he was using it for political dope. Now, I want to tell you how I know, for that wonderful Bismarck Tribune or—is it Tribune, came out and said that J. I. Cahill, an organizer for the Nonpartisan League has taken somewhere near \$8,000 out of the Bank of North Dakota. Now, I want to explain to you how that was. The People's State Bank of Leith, in which I am interested, discounted some notes in the Bank of North Dakota. The Lieth Equity Exchange deposited a warehouse receipt with the Bank of North Dakota covering a certain number of bushels of wheat which the farmers were holding for seed in the spring. We hauled the wheat in, knowing there would be a scarcity of wheat for seed in the spring. We issued a warehouse certificate and the Board of Directors of that Equity Exchange issued a note for \$5,700.00 and we sent that to the Bank of North Dakota and we got that money for the elevator and some money for the Bank, and then the Bismarck Tribune, that always tells the truth, when it can't help it, came out and said that I got that money personally. That is some of the dope that Carl put out, misrepresented.

Now, if he used that for political dope, what would he have done if he had been permitted to examine all of the correspondence and business of the Bank of North Dakota? He would have issued another Red Flame that he is scattering around, another issue of that Red Flame he is connected with.

Now, these things have come up and these are the facts in the case and cannot be disputed. It came out through their press and you can follow it out for yourself because under the law the Bank of North Dakota cannot loan money to individuals except on real estate mortgages and to a

bank. The Bank of North Dakota does not lend money to individuals, so that shows that that statement is false from beginning to end.

The Attorney General seems to feel bad because the Bank of North Dakota doesn't open up its doors every time Carl takes one of his crazy fits, and I believe they are crazy fits, and wants to come down and examine the Bank.

Now, there is one more thing, that is this, I believe every good citizen that lives in a republic, believes that a majority of the voting people in that republic, when they put laws upon the statute books of that republic, believe that that law should be carried out, and we in North Dakota believe the same thing and any man who stands up and tries to prevent these laws from going into effect is in the same class with the men who are I. W. W.'s and anarchists and in this state I am fully convinced that the men who are obstructing the laws which were voted on by the people of this state, and are unlawfully using means to stop the working of these laws, I do not see where else you can class them. They may not be going around with long-whiskered and long-haired gentlemen, but you know all I. W. W.'s and anarchists aren't dressed that way. Some of them move around under the name of patriotism.

These things have to be met and dealt with because the greatest men we have in this United States today that are prohibiting the progress of the advancement of this state and the United States are men of influence and men of money.

Now, I regret that every day we have to go through the same thing, but it seems this gentleman who wants to prove himself so pure that he wouldn't interfere with anybody's business has this represented to us every day. Now, the facts stand out that the Attorney General had no right to investigate the Bank of North Dakota and the fact stands out that he took advantage of the laws in investigating the Scandinavian-American Bank, the fact stands out that he investigated the Scandinavian-American Bank when the bank examiner was away. And the fact stands out he declared post-dated checks worthless, and the fact stands out according to reports that he declared farmers' notes in that bank were only worth fifty per cent of their face value, and closed that bank when the banking board was asked that the Scandinavian-American Bank be given ten days' to straighten up their business and settle things. The majority of the banking board voted against giving them ten days so that it might collect in its money and the fact stands out that the Scandinavian-American Bank did not refuse to pay any who came with checks or notes that were due. If the Attorney General can tell so much, let him bring proof that these statements are not true. Let them come up with the facts. We might as well thresh this thing out and get the truth of it, and if the laws of this state passed at the last session are not lawful, what is lawful? Can the Attorney General twist laws of this state to work to his own interest or shall they be used to the interest of this state? The Scandinavian-American Bank was closed illegally and it opened again, and the methods they used to close that bank proved it was not sincere. It is just the same as a man coming onto your farm and taking everything into poses-

sion and running things for a week or two and then turning it back to you and saying he does not know where everything that was there, when he took it over, is.

It is a disgrace to our state that such things should be carried on, because it discredits our credit outside of the state and makes the people inside of the state suspicious of our laws. If the same conditions were taken or the same means were taken to examine other banks in the state that they used in the case of the Scandinavian-American Bank I am satisfied that one-third of the banks west of the Missouri River would have been found in the same condition. But there are banks in this state, which have been asked to be investigated. Why doesn't he investigate these? And when I hear from that quarter again I will mention some of the places he can investigate and he may find lots of those irregular.

I wish to hide nothing and I will be glad to receive all the accusations the gentleman will produce, because I have some yet that I have not mentioned.

Senate returned to the eighth order of business.

#### RESOLUTION.

Introduced by Mr. Mortenson.

WHEREAS, Senator Christ Levang has received the sad news that his father, Hon. K. P. Levang, who was once a member of the Legislature of North Dakota, has been called to the Great Beyond by the Angel of Death:

BE IT RESOLVED, By the Senate of the State of North Dakota that we extend to our esteemed Colleague our heartfelt sympathy in this his hour of sorrow for the loss of one so dear to him.

BE IT FURTHER RESOLVED that a copy of these resolutions be transmitted to Senator Levang.

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

Mr. Bowman moved that Senate Bill No. 20 be put on third reading at this time.

Mr. Bowman moved that the following amendment offered by Mr. Hyland be adopted. In Sec. 1 line 9 after the word state insert a period strike out the balance of line 7 and all of line 8 which motion prevailed and Senate Bill No. 20 was so amended.

#### SENATE ROLL CALL

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to willfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 44, nays 2, absent and not voting 3.

Ayes: Beck, Benson, Berg, Bowman, Cahill, Carey, Church,

Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays: Beisel, Nelson.

Absent and not voting: Jacobsen, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 20 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

### SENATE ROLL CALL

House Bill No. 5.

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 40, nays 0, absent and not voting 9.

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

Absent and not voting: Ettestad, Haggart, Hunt, King, Levang, Noltimier, Ployhar, Sikes, Welford.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 5 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

### SENATE ROLL CALL

House Bill No. 6.

"A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 41, nays 0, absent and not voting 8.

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

Absent and not voting: Bowman, Ettestad, Levang, Nelson, Noltimier, Oksendahl, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 6 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Hyland moved that the following amendment to House Bill o. 48 be adopted at the end of Section 1: Strike out the period and put in its place a semi-colon and add the following:

Provided that one of the two members appointed by the President of the Senate and one of the three members appointed by the Speaker of the House shall be from among the minority members of those bodies.

The roll was called and there were ayes 46, nays 0, absent and not voting 3.

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

Absent and not voting: Levang, Noltimier, Sikes.

So the amendment was adopted.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 32; nays, 13; absent and not voting, 4.

Ayes—Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Oksendahl, Olson, Ward, Weber, Welford, Wenstrom.

Nays—Beisel, Haggart, Hyland, Jacobsen, McBride, Murphy, Nelson, Ployhar, Porter, Stenmo, Storstad, Whitman, Zieman.

Absent and not voting—Levang, Noltimier, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. Benson moved that the vote by which House Bill No. 48 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Jacobson: Believing that the measure now before the Senate designated as House Bill No. 48, being a Joint Resolution, covers matters which are beyond the scope of a

Joint Resolution and that in its present form the same is unconstitutional, I vote "no".

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 45; nays, 0; absent and not voting, 4.

Ayes:

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

Absent and not voting—Levang, Mees, Noltimier, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 49 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

The courtesies of the floor were extended to Mr. Frank Carlson, Kulm, N. Dak.; Mrs. C. F. Merry, W. A. McClure, Rev. J. G. Duling of Dickinson, N. Dak.

Mr. Wenstrom moved that the Senate recess until 1 o'clock P. M. tomorrow, which motion prevailed and the Senate recessed.

W. J. PRATER,  
Secretary.

ELEVENTH DAY AFTER RECESS AND  
TWELFTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 5, 1919.

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

A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 5, 1919.

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

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

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

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive department of the State to cover expenses in meeting certain emergencies."

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

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

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

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

Mr. McCarten moved that Senate Bill No. 33 be re-referred to the committee on State Affairs, which motion prevailed and it was so ordered.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the

Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the Sixteenth Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

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

Strike out everything after the word "A Bill" and insert in lieu thereof the following:

#### A BILL

For an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the Sixteenth Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. It shall be unlawful for any person to establish, maintain or run upon any navigable waters, within this State any ferry upon which to convey, carry or transport any person or property for hire or reward, without having first obtained a license therefor as hereinafter provided.

Section 2. The Board of Railroad Commissioners of the State of North Dakota is hereby authorized to grant licenses for the operation of ferries upon such waters for a term not to exceed fifteen years to such person or persons as shall apply therefor; and where but one bank or shore of such water is within the boundaries of this State, the Board of Railroad Commissioners shall have the same authority and this law shall apply with like effect as if the entire stream were within this State, insofar as the banks or shores and waters actually within it are concerned; provided, that no exclusive license shall be granted, and provided further, however, that the Board of Railroad Commissioners shall have the right to reject any further application when the public convenience shall not require the establishment of an additional ferry or ferries, after one license shall have been granted for the operation of a ferry upon the same highway; and provided further, that one or more ferry boats may be operated under one license.

Section 3. An application for a license under the provisions of this Act shall be filed with the Board of Railroad Commissioners of the State of North Dakota and the applicant, at the time of filing such application, shall pay to the State Treasurer the sum of Twenty-five Dollars, which sum shall be refunded by warrant of the State Auditor drawn upon the State Treasurer in the event of the rejection of such application by the Board of Railroad Commissioners. A licensee shall pay to the State Treasurer a like sum an-

nually in advance during the term of his license and in the event of such licensee's failure so to do, his license shall thereby become void.

Section 4. All moneys received by the Board of Railroad Commissioners for ferry licenses as aforesaid shall be apportioned among the several districts of the State for the use of the public schools of the State in like manner as other funds are now by law apportioned.

Section 5. Except as otherwise provided by law, the Board of Railroad Commissioners shall have the right to fix such rates of ferriage as in its judgment may seem just.

Section 6. Every person who shall maintain or operate any ferry upon any navigable waters within this state, without having first obtained a license from the Board of Railroad Commissioners as hereinbefore provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars for each year or fractional part of a year that such person shall have operated such ferry.

Section 7. Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the Sixteenth Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of North Dakota for the year 1913 and all other Acts or parts of Acts in conflict with the provisions hereof are hereby repealed.

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

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

That Senate Bill No. 44 be amended by striking everything after the words "A Bill" inserting in lieu thereof the following:

"For an Act providing for the issuing of bonds of the state of North Dakota in a sum not exceeding Two Million Dollars to be known as "Bonds of North Dakota, Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. An issue of bonds of the State of North Dakota, to be known as "Bonds of North Dakota, Home Building Series," is hereby authorized and directed under the conditions and in the manner and for the purposes hereinafter set forth.

Section 2. Whenever mortgages authorized by Chapter 150, Laws of North Dakota for 1919 shall be held by the Home Building Association securing a total amount of unpaid purchase money obligations in the sum of at least \$25,000.00, the Industrial Commission, subject, however, to the limitation expressed in Section 12 of said act, as amended at the Special Session of 1919, may cause such mortgages, or such amount of \$25,000.00, to be assigned, together with the obligations thereby secured to the State Treasurer. The assignment of each such mortgage and obligation shall be executed by the Manager of the Association and shall recite that it is made to "the State Treasurer of North Dakota, and his successors in office in trust as security for bonds to be issued by the State of North Dakota under the designation of Bonds of North Dakota, Home Building Series, as provided by law;" and it shall be duly recorded by said manager in each county in which the lands affected by the mortgage are situated. As soon as such assignments are recorded, they, with the instruments assigned, shall be delivered to the State Treasurer, and at the same time the Manager of the Association shall deliver to the State Treasurer a verified statement showing the amount remaining unpaid on each obligation secured by the mortgages so assigned and delivered. In like manner and with like purpose and effect, whenever sale contracts as provided in Section 12, Chapter 150 of the Laws of North Dakota for 1919, as amended at the Special Session of 1919, shall have been made and shall be held by the Home Building Association such that the payments thereon to be made to the Home Building Association aggregate not less than \$25,000.00, the Industrial Commission may cause the interest of the state in said contracts and in the payments therein contemplated and in the lands therein described to be assigned and conveyed to the State Treasurer.

Section 3. As soon as the State Treasurer shall receive any instruments delivered in pursuance of Section 2 above, he shall notify the Governor, the State Auditor and the Secretary of State, who shall each immediately inspect them. Thereupon the State Treasurer shall immediately prepare for issue, and the Governor and the State Treasurer shall thereafter issue, negotiable bonds of the State of North Dakota in an amount not exceeding the aggregate amount of the outstanding obligations secured by said mortgages and of the payments to be made under said sale contracts delivered to and in the possession of the State Treasurer, as above provided. Each of the bonds so issued shall contain a recital that it is issued, and that it is secured by assets of the Home Building Association of North Dakota deposited with the State Treasurer of North Dakota in pursuance of the provisions of this Act, which may be cited as the "Home Building Bond Act of North Dakota." Said bonds shall be executed by the Governor and the State Treasurer under the great

seal of the State and shall be attested by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each bond, when issued, a certificate showing that it is issued pursuant to law and is within the debt limit. The bonds so issued shall be designated "Bonds of North Dakota, Home Building Series."

Section 4. The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151, Compiled Laws of 1913, are hereby declared to apply to them. They shall be issued in denominations of from five dollars to ten thousand dollars, and shall be payable in not less than ten or more than thirty years from the passage of this Act; provided, however, that at the option of the Industrial Commission they shall be payable at any time after five years from the date of their issue, upon public notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of the giving of such public notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year; and coupons shall be attached to each bond, evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Bismarck. The term of said bonds, as to values of denominations, periods of maturity and rates of interest, shall be fixed by the Commission in its sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity; and no such bond or coupon shall bear interest after maturity; unless payment thereof shall not be made upon due presentation for payment.

Section 5. The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission of North Dakota, as hereinafter provided, to the end that the said Commission, may, by negotiation and sale of said bonds, procure necessary fund for the Home Building Association of North Dakota, thus replacing in said Association the funds employed by it from time to time in conducting the enterprise and business established and directed by said Home Building Act.

Section 6. In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds, to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such period of maturity, as may be required by the Commission within the limitations hereinbefore stated. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the State for the negotiation, sale and delivery of said bonds. It shall sell them at not less than par value for cash in such manner and at such times as in its sound discretion it shall deem most advantageous to the interest of the State. The commission is hereby authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon re-

ceipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall be placed by the Industrial Commission in the funds of the Association. Nothing in this Act, however, shall be construed to prevent the purchase of any said bonds with any funds in the Bank of North Dakota.

Section 7. After such assignment of any mortgage, and the obligation thereby secured or of any sale contract, as above provided, all payments accruing thereon shall be made to the State Treasurer. He shall hold and use said mortgages, obligations and contracts and the moneys paid thereon, and the interest of the State therein and in the lands thereby affected, in trust, first, for the security and payment of the bonds to be issued as herein provided, and, second, for redelivery to the Association of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall keep said moneys in a separate fund designated the "Home Building Bond Payment Fund," apart from all other funds in his possession; and the provisions of Section 7 of the Bank Act shall not apply thereto. He shall also keep in said fund, as a part thereof for the same purposes and in the same manner and under the same conditions, all moneys received by him, whether from the proceeds of taxes, or from payments made by the Industrial Commission or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of said bonds or interest thereon. No other disposition, by appropriation or otherwise, shall ever be made of the moneys in said funds until said bonds shall be fully paid, or until the time limit by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the Industrial Commission, as hereinbefore provided, shall be returned to the State Treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund.

Section 8. The State Treasurer shall pay the interest on said bonds upon presentation to him of the coupons for such interest when due, and shall redeem said bonds upon their maturity by paying the principal thereof, all such payments being made from the Home Building Bond Payment Fund, without auditor's warrant. Each payment so made, in addition to other accounting as provided by law, shall be reported to the Home Building Association. All moneys in said fund, or as much thereof as may be necessary, are hereby appropriated for the payment of the interest and the principal of said bonds, and this appropriation shall not be repealed, and no provisions made in this Act for the payment of said bonds and interest shall be discontinued until the debt evidenced by said bonds, both principal and interest, shall have been paid.

Section 9. If the obligation evidenced by any such mortgage or contract so assigned to the State Treasurer shall not be performed according to its terms by the party obligated to

make such payments, or if any condition expressed in any such mortgage or contract shall not be duly performed and kept by such party according to its terms, the State Treasurer shall proceed to exercise the rights conferred upon him as the assignee of said mortgage or contract through the enforcement of its terms, by foreclosure or otherwise, for realizing upon or protecting the security afforded by said mortgage or for collecting the amount of the obligation thereby secured or for repossessing the state of the lands affected by such contract, or otherwise protecting and enforcing the rights of the State herein. If in so doing it shall become necessary for the State Treasurer to purchase the property mortgaged, or to repossess the lands affected, he shall take title thereto as State Treasurer, and as Trustee in trust for the security for payment of said bonds; and if title to any such lands shall be perfected in any State Treasurer by virtue of such proceedings, he shall apply to the District Court of the county in which such lands are situated for directions as to the further performance of the duties of his trust in the premises. The cash proceeds derived from the possession, use or sale of any such lands shall become a part of the said Home Building Bond Payment Fund.

Section 10. If, while any mortgage so assigned to the State Treasurer is in his hands, the note or obligation thereby secured shall have been fully paid according to its terms, or if any such sale contract shall have been fully performed by the buyer, the State Treasurer shall immediately so certify to the Manager of the Association. The State Treasurer shall also give information to the Association as to any proceedings which he may from time to time take respecting the enforcement and collection of the securities so assigned to him, not paid according to their terms.

Section 11. The State Treasurer shall from time to time, at the request of the Home Building Association, give information as to the amount of cash balance in his hands credited to said Home Building Bond Payment Fund. If such balance shall include funds received by him upon payment of the principal sum secured by any such mortgage, or upon the purchase price under such sale contracts, the Association may, to the extent of such principal sums so paid, substitute therefor new mortgages or new contracts by assignment thereof, together with the obligation thereby evidenced in the same manner and to the same effect as in the case of the mortgages, obligations and contracts originally assigned as the basis of the issue of such bonds, and upon such assignment and substitution of such new mortgages and contracts, the State Treasurer shall pay to the Association the amount thereof, and such mortgages and contracts so substituted shall become and continue a part of the body of said trust, the same as the mortgages, obligations and contracts originally assigned to the State Treasurer therefor; provided, however, that unless the amount of the mortgages and contracts in such fund falling due before bonds secured thereby is sufficient to pay such bonds, the Treasurer shall reserve sufficient cash for that purpose.

Section 12. All said bonds shall be exempt from State, county and municipal taxes of any and all kinds.

Section 13. If at the time of the annual meeting of the State Board of Equalization, the moneys in the Home Building Bond Payment Fund shall appear to the State Treasurer to be insufficient to meet the payments of interest or principal upon said bonds accruing within a period of one year thereafter, he shall so inform the State Board of Equalization, which shall thereupon proceed to include in the annual tax levy, such tax as in its judgment shall be necessary to meet the indicated deficiency, and the proceeds of such tax shall be placed by the State Treasurer in said fund.

Section 14. Whenever it shall appear that there are, in said Home Building Bond Payment Fund, funds which, with the mortgage securities and contracts, on hand, are more than sufficient to provide for the payment of all bonds and interest thereon outstanding, the excess of such funds requisite for that purpose shall be paid by the State Treasurer to the Home Building Association, if so directed by the Industrial Commission.

Section 15. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as occasion may arise under the terms of this Act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this Act exceed the total of Two Million Dollars.

Section 16. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, five thousand dollars, or as much thereof as may be necessary, to carry out the provisions of this Act.

Section 17. This Act is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 42.

"A Bill for an Act defining the word "Precinct" as used in the laws of the state of North Dakota, relating to elections and providing for the formation of voting districts and the designation of voting places within such voting districts."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 30.

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties

to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

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

Strike out everything after words "A Bill" and insert in lieu thereof the following:

For an Act for the purpose of encouraging the Dairy Industry in the State; authorizing counties to issue bonds or warrants and with the proceeds to purchase dairy cattle; authorizing the formation of Dairy Associations; and providing for funds necessary for carrying this Act into effect.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. It shall be lawful for, and it shall be the duty of the County Commissioners of any county, to issue bonds or warrants of the county under and pursuant to the provisions of this Act; and with the proceeds derived from the sale thereof, to purchase cattle for dairy purposes and sell them to persons who have formed themselves into an association as hereinafter provided. Whenever any board of County Commissioners shall be petitioned in writing by not less than fifty freeholders, residents in such county, then said board shall, at a meeting called as hereinafter provided, consider such petition and shall by a majority vote determine whether the prayer of the petitioners shall be granted. Such petitions shall be filed with the County Auditor, and it shall be the duty of said officer to forthwith call a meeting of the Board of County Commissioners to consider such petition. Such bonds or warrants shall be in denominations of five hundred to one thousand dollars; shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually at such place and time as shall be determined by the Commissioner of Agriculture and Labor and the purchaser, and shall become due and payable in not less than five nor more than ten years from the date of issue.

Section 2. Such bonds shall be signed by the chairman of the Board of County Commissioners and be attested by the County Auditor who shall affix the seal of the county thereto and shall have endorsed thereon a certificate signed by the County Auditor stating that such bonds are issued pursuant to law and are within the debt limit of the county.

Section 3. Immediately after it has been determined to issue bonds for any county, the county auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the Board of County Commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days' notice in one leading daily newspaper within the State, in two leading daily newspapers without this State, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately to the highest bidder for cash but he shall not

sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, bonds or any part thereof to the State of North Dakota or any board thereof or to the Bank of North Dakota, without receiving proposals therefor, or giving notice, as hereinbefore provided, but he shall not sell them for less than par; provided, further, however, that the Commissioner of Agriculture and Labor may make a reasonable allowance for printing, advertising, brokerage and attorneys' fees.

Section 4. The funds arising from the sale of said bonds or warrants shall be applied exclusively to the purchase of dairy cattle for members of said associations; provided, that the Board of County Commissioners shall determine the number of dairy cattle that each applicant shall receive, which shall not exceed five female cattle and not to exceed one thousand dollars (\$1,000.00) total value which shall include each applicant's prorata share of the purchase price of the sire or sires. Provided, further, that the sire or sires procured for each association must be registered in the recognized herd book of said breed, must be free from transmittable diseases and be of the same breed as the other cattle procured for said association. Provided, further, the County Auditor shall inform each applicant of the number of dairy cattle that have been allowed by the Board to said applicants, and take from him an acceptance in writing, in the form of an order, whereby he agrees, under the provisions of this act, to take the number of dairy cattle allotted to him by the Board of County Commissioners. All such dairy cattle are to be bought by the State Dairy Commissioner or with his consent and approval and under such rules and regulations as he may prescribe.

Section 5. Ten or more persons, resident in any county, may form themselves into an association to be known as a Dairy Association. Every such association must be authorized and numbered by the Board of County Commissioners and registered in the office of the County Auditor, and in the office of the State Dairy Commissioner. Such association and members thereof shall be governed by such rules and regulations as may be prescribed by the Dairy Commissioner and approved by the County Commissioners. Such rules and regulations shall include provisions to the effect that all dairy cattle received by each member of any association as herein provided, shall be insured against death by fire and lightning; and that the females shall be bred only to pure bred sires of corresponding breed; and that they shall not be subjected to avoidable exposure to such transmittable diseases as are common among dairy cattle, until the cattle so obtained are paid for in full. Provided, that there shall be reserved to any Dairy Association formed as herein provided, the right to make rules and regulations governing the sale or disposal of surplus increase, unproductive or unprofitable animals received through the provisions of this Act; provided, further, that such rules and regulations be approved by the Board of County Commissioners and that the proceeds from such sale or disposal shall be immediately paid to the County Treasurer and turned into the sinking fund as hereinafter provided. No person shall become a member of such association who shall not agree in writing to comply with all rules and regulations pre-

scribed and approved as herein provided, which agreement shall be binding until the full purchase price of all dairy cattle received by the signer has been paid; and no person shall become a member of such association without the written consent of two-thirds of all others proposing to form such an association, which agreement and consent shall be filed and recorded in the office of the County Auditor and in the office of the State Dairy Commissioner.

Each member of such association shall be jointly and severally liable for all contracts, debts and obligations due to the county from his association to the extent of 10 per cent in addition to the purchase price of such cattle as he shall receive under the provisions of this Act.

Section 6. Any member of a dairy association wishing to avail himself of the benefits of this Act may file, with the County Auditor, an application for dairy cattle, duly sworn to before said County Auditor or some other officer authorized to administer oaths. Such application shall contain a true statement of the number of acres applicant has plowed and prepared to crop; how many acres applicant intends to have plowed for crop; how many bushels of grain the applicant harvested the preceding year; the amount and kind of feed that he has in his possession; and the number and kind of live stock he has in his possession. And such applicant shall state that he desires said cattle for dairy purposes, and that he will not sell or dispose of same, nor their increase without the consent of the County Commissioners, and that he will plant at least five acres of corn per year for each dairy animal received until same has been paid for. Said application shall also contain a true and full description of all the real and personal property owned by the applicant and the incumbrances thereon.

All applications filed under the provisions of this Act shall be consecutively numbered, designating the number of the association to which the member making the application belongs, shall be open to public inspection.

The County Auditor of each county shall, as soon as the County Commissioners shall have performed the duties prescribed in this Act, issue to each applicant demanding it, an order for the number of dairy cattle which have been allowed to said applicant; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note attested by the County Auditor to the effect that said applicant for and in consideration of the ..... dairy cattle received from ..... County promises to pay the said county ..... Dollars, the amount of cost of said dairy cattle, with interest payable semi-annually.

The amount of such indebtedness shall become due and payable in not less than five or more than ten years from the date of the the order, and shall bear interest on such amount from the date of the bonds or warrants provided for herein, at a rate not to exceed six per cent per annum: provided, however, that at the end of the third year from the date of such bonds or warrants and any interest paying date thereafter, that any member of a Dairy Association indebted to the

County may take up his note wholly or in part by a payment or payments to the County Treasurer which shall aggregate the total amount which would otherwise become due the County on the date of maturity of such note, less the amount which the portion of the sinking fund so formed shall earn; provided, further, that such indebtedness, or the remainder thereof, shall be a first and valid lien upon said dairy cattle and their increase and shall have priority over all other liens and incumbrances thereon, and the filing and recording 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 upon said dairy cattle and their increases, which shall continue in force until the amount covered by the contract shall be fully paid.

Provided, further, if the applicant is a renter the owner of the land shall also sign the contract with him except in cases where an exception is made by an order of the Board of County Commissioners.

If such indebtedness is not paid promptly when due, or if the sheriff shall have reason to believe that any one who having received aid under this Act is about to remove from the county or is about to sell and dispose of his cattle without first paying to the County the amount due, it shall be the duty of such sheriff to take and sell a sufficient number of said cattle of such applicant to pay such indebtedness, including the cost of seizure, in the same manner as is now provided by law in like cases.

It shall be the duty of the County Treasurer to collect said notes as they fall due and upon payment of same to satisfy the lien. It shall further be the duty of the County Treasurer to deliver to the State's Attorney a statement of all contracts and notes which remain unpaid when due, and it shall be the duty of the State's Attorney to immediately, in behalf of and in the name of said county, commence an action for the placing of said indebtedness in judgment, or for the foreclosure of the lien securing any of said notes in accordance with the laws providing for the foreclosure of liens or of mortgages.

Section 7. It shall be the duty of the State Dairy Commissioner or the Board of County Commissioners, to purchase only such dairy cattle as are most suitable for the locality in which they are to be used; and it shall be their duty to purchase same at the lowest price at which suitable dairy cattle can be obtained and to furnish same to applicants at the actual cost thereof, with transportation and handling charges added, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment, or both. Any official or any agent of any official, who conspires with others to make any profit directly or indirectly out of the transaction for himself or for them, or accepts or extorts from any applicant a greater price than that authorized herein shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for a term of not less than one nor more than five years.

Section 8. All money received by the County Treasurer

in payment of debts incurred under the provisions of this Act shall be paid into and become a part of a sinking fund and be exclusively used in the payment of the bonds or however, that said Commissioner may sell or dispose of said

Section 9. Any member of any such association who, contrary to the provisions of this Act, sells, transfers, takes or carries away, or in any manner disposes of any of said dairy cattle or their increase furnished by the county under this Act, or shall use or dispose of said cattle or their increase, or any part thereof, for any other purpose than that provided for herein shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred nor more than one thousand dollars or may be imprisoned in the county jail for a term of not less than ninety days.

Section 10. The State Dairy Commissioner shall, in addition to his other regularly prescribed duties, have general supervision of carrying into effect the provisions of this Act, and he shall receive an annual salary of One Thousand Dollars (\$1,000.00) in addition to his salary as State Dairy Commissioner. He shall prepare and give general publicity to the residents of this State, a summary statement of the provisions of this Act, and the manner in which such residents may avail themselves of its benefits. He shall advise and assist in the organization and management of Dairy Associations as herein described; he shall co-operate with the Commissioner of Immigration by compiling and giving publicity to such data and reports as will encourage the development of the dairy industry within the State. He shall prepare such uniform blanks as he shall deem necessary for the purpose of this Act and supply same to the County Auditor of any county issuing bonds or warrants.

Section 11. There is hereby transferred to the State Dairy Commissioner from any moneys in the State Treasury, credited to the Commissioner of Immigration, an amount not to exceed Five Thousand Dollars (\$5,000.00) annually, or so much thereof as shall be necessary, for carrying into effect the provisions of this Act.

Section 12.—EMERGENCY.—This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 9, "A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

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

That the title be amended by adding thereto after the word "voters" the following: "and defining 'Absent Voters' and declaring an emergency".

That Section 992 be stricken and the following inserted in lieu thereof:

"The term 'Absent Voter' as used herein shall mean any qualified elector of this State who is absent from the county of which he or she is an elector on the day of holding any general, special, state or primary election; or any woman qualified as an elector of this State who resides one-half mile or more from the polling place of her voting precinct. Any such elector may vote as hereinafter provided."

Line 24, page 3, between the words "I reside" insert "am a woman and reside".

Line 29, page 4, between the words "he then" insert "or she".

Line 30, page 4, between the words "his vote" insert "or her".

And when so amended recommend the same do pass.

J. I. CAHILL,

Chairman.

By unanimous consent the Senate returned to the ninth order of business.

#### INTRODUCTION,

##### FIRST AND SECOND READING OF SENATE BILLS

Mr. Drown introduced Senate Bill No. 57, "A Bill for an Act appropriating the sum of \$5,000 for the relief of Alice Bixby."

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

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

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

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

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

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

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive department of the State to cover expenses in meeting certain emergencies."

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

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

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

House Bill No. 51, "A Bill for an Act requiring the Board

of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

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

Mr. King moved that the Senate recess, subject to the call of the Chair, which motion prevailed and the Senate recessed.

The Senate reassembled, the President presiding.

The Senate returned to the fifth order of business.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 56, "A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

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

THOMAS PENDRAY,  
Chairman

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

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred Senate Bill No. 57.

"A Bill for an Act appropriating the sum of Five Thousand Dollars for the relief of Alice Bixby."

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

R. McCARTEN,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

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

J. I. CAHILL,  
Chairman.

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

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgages and assignees of all unsatisfied recorded mortgages."

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

In section 1, line 52, of the Printed Bill, after the word "holding" strike out the word "unsatisfactory" and insert in lieu thereof the word "unsatisfied."

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

The committee on Highways made the following report:

Mr. President: Your committee on Highways to whom was referred Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of Motor Vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

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

In line 41, page 6, of Printed Bill, strike out the word "October" and insert in lieu thereof the word "September."

In line 14, page 11, of Printed Bill, after word "exceed" strike out the figures "\$3,000.00" and insert in lieu thereof the figures "\$2,000.00."

And when so amended recommend the same do pass.

C. D. KING,  
Chairman.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 3.

"A Bill for an Act to amend and re-enact Section 2185 Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon.

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

THOMAS PENDRAY,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 21.

"A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 36.

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

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 51.

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of State of North Dakota for 1919, relating to Workmen's Compensation Fund."

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

J. I. CAHILL,  
Chairman.

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

Mr. Bowman moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

## TWELFTH DAY

SENATE CHAMBER.  
BISMARCK, NORTH DAKOTA,  
December 5, 1919.

The Senate assembled at 2 o'clock P. M., the President, presiding.

Prayer was offered by the chaplain, Rev. Flint.

The roll was called and the following Senators were present:

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

## PETITIONS AND COMMUNICATIONS

Barton, N. D., Nov. 30, 1919.

Senator Oksendahl.

Dear Sir:

I feel that I must write you and ask you to do all in your power to vote for us at this special session of the State Legislature.

Should there be an effort made to repeal the anti-cigarette and snuff law, the Sunday theatre law, the Sunday baseball law, or the pool hall bill, will you please vote against any measure introduced to lessen the effectiveness of these laws. Please defeat any bill lowering the moral standard of our state.

From the W. C. T. U. of Barton and all the churches.

Sincerely,

MRS. B. HAGBOE,  
President of Barton W. C. T. U.

WHEREAS, There is a rumor current that there will be an attempt to induce the North Dakota Legislature to repeal or weaken the anti-cigarette law, the law prohibiting the Sunday opening of theatres and moving picture houses and the law prohibiting the charging of admission at Sunday baseball games; and

WHEREAS, Our state is widely known as one that stands in the forefront of those that maintain a high moral standard and we are jealous of the reputation and the future welfare of our commonwealth, therefore

BE IT RESOLVED, That we, the congregation of the Presbyterian church of Kenmare, North Dakota, do earnestly petition the Legislature of North Dakota in special session at Bismarck, to see that no step is taken which would in any degree weaken the high moral standard which is now to be found on the statute books of the state.

Endorsed and passed by the congregation at its regular

morning service held in Kenmare, North Dakota, November 23, 1919.

Signed for the congregation by

RALPH T. FULTON,  
Pastor.  
R. T. F.

There were 59 present at this meeting.

Cooperstown, N. Dak.,  
December 4, 1919.

Hon. J. L. Mikkethun,  
Bismarck, N. Dak.

Please use your influence against repeal of pool hall inspection law.—Executive Com. of Parent Teachers' Ass'n, E. E. Hanson, President.

Cooperstown, N. Dak.,  
December 4, 1919.

Hon. J. L. Mikkethun,  
Bismarck, N. Dak.

We, of Cooperstown W. C. T. U., 164 members, do hereby protest against the pool hall inspection law, S. B. 74 being repealed, and we depend on you to use your vote and influence with us.—Mrs. Chas. Houghton, Vice President.

Evanston, Ills.,  
Nov. 29, 1919.

Hon. John L. Mikkethun, Bismarck:

Pool hall inspection law tremendous value to State. Should not be repealed.—Elizabeth Preston Anderson.

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

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

Endorsed by vote of 85 people at a meeting held at the Methodist Episcopal Church at Cogswell, North Dakota, on November 23, 1919.—Signed by G. W. COOPER, Chairman.

Cando, N. Dak.,  
November 30, 1919.

Hon. D. J. Beisel,  
Senator, Bismarck, N. Dak.

The Hal Parker Post of American Legion at Cando, North Dakota in special meeting assembled requests your support of American Legion Bill or any Bill which will make the State soldiers' bonus immediately available to all ex-service men.—Hal Parker Post, American Legion.

#### REPORTS OF STANDING COMMITTEES

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 16, "A Bill for an Act to amend and re-enact Sections 625 and 626 of the Compiled Laws of North Dakota for the year 1913; and to amend and re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 252 of the Session Laws of North Dakota for the year 1917."

Senate Bill No. 34, "A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor and declaring this Act to be an emergency measure."

Senate Bill No. 51, "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of hail insurance and hail insurance department in the office of the Commissioner of Insurance."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

Mr. Pendray moved that the Committee report on Senate Bill No. 3 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the Committee report on Senate Bill No. 49 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the Committee report on Senate Bill No. 44 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the Committee report on Senate Bill No. 30 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the Committee report on Senate Bill No. 9 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the Committee report on Senate Bill No. 41 be adopted, which motion prevailed and the report was adopted.

Mr. King moved that the Committee report on Senate Bill No. 5 be adopted, which motion prevailed and the report was adopted.

Mr. Drown moved that Senate Bill No. 57 be considered properly engrossed and placed on third reading immediately, which motion prevailed and it was so ordered.

## SENATE ROLL CALL

Senate Bill No. 57.

"A Bill for an Act appropriating the sum of Five Thousand dollars for the relief of Alice Bixby."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 40; nays, 0; absent and not voting, 9.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Ziemann.

Absent and not voting: Hyland, Kendall, Levang, McBride, Olson, Pendray, Ployhar, Sikes, Whitman.

So the bill passed and the title was agreed to.

Mr. Drown moved that the vote by which Senate Bill No. 57 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## SENATE RESOLUTION

Introduced by Mr. Cahill:

WHEREAS, In a speech made by William Langer, Attorney General, at Finley, N. Dak., on Saturday, October 25th, 1919, he made the following statements, to-wit:

"When the Scandinavian-American Bank, on August 29th sent \$333,460.83 worth of postdated checks and notes to the Bank of Bismarck, some of which even the bank at Duluth wouldn't take and tried to get money from the Bank of North Dakota, they did get some of the money. How much Hagen, Sherman and Townley got the majority of members of the banking board don't know. We tried to find out through the state auditor.

"You farmers can readily perceive that the Scandinavian-American Bank can send over \$300,000 in this kind of paper into the Bank of North Dakota in one day and get your school money, township money, town money and state money and spend it in other loans, etc.," and

WHEREAS, Prior to making such statements the said Langer furnished various newspapers, including the Fargo Forum, copies of the speech he later made at Finley for the purpose of having the same published in said newspapers in order to give the said statements the greatest amount of publicity possible, and

WHEREAS, J. R. Waters as manager of the Bank of North Dakota and F. W. Cathro as Director General thereof have filed with the Industrial Commission their affidavits that the Bank of North Dakota never advanced any money to the Scandinavian-American Bank on postdated checks or notes, either as rediscounts or otherwise, and that the said Bank of North Dakota had at no time loaned a single dollar to the said Scandinavian-American Bank, and

WHEREAS, O. E. Lofthus as state examiner of North Dako-

ta has also filed with the Industrial Commission a statement to the effect that in his recent examination of the Bank of North Dakota he found no postdated checks or notes being carried by said bank either as collateral or otherwise, and

WHEREAS, The statements made by Attorney General Langer and published broadcast throughout the state by him through the newspapers and upon the public platform were false and untrue, and

WHEREAS, Said statements have tended to misinform the public and to prejudice them against the administration and the operations of the Industrial Commission and the management of the Bank of North Dakota, and

WHEREAS, The aforesaid William Langer as Attorney General is by law the attorney for the Industrial Commission and as such it is his duty not only to refrain from making false statements but to co-operate with the Industrial Commission in promoting the general welfare of the Bank of North Dakota and to do everything within his power to make its operation a success, now therefore

BE IT RESOLVED, That the said William Langer be and he is hereby directed to make a retraction of the aforesaid false statements made by him and that he publish such retraction in the press throughout the state over his signature and inform the public that his aforesaid statements were false and untrue.

Mr. Cahill moved the resolution be adopted.

The roll was called and there were, ayes 28, nays 14, absent and not voting 7.

Ayes: Benson, Berg, Bowman, Cahill, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Inger-son, King, Liederbach, McCarten, McNair, Mostad, Morkrid, Miklethun, Noltmier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Mees, Murphy, Nelson, Porter, Stenmo, Storstad, Whitman, and Zieman.

Absent and not voting: Church, Kendall, Levang, McBride, Mortenson, Ployhar, Sikes.

So the resolution was adopted.

I hereby certify that the attached affidavits are duplicates of affidavits filed in the office of the Industrial Commission of North Dakota in pursuance of a resolution passed by the commission on November 5th, directing J. R. Waters as Manager and F. W. Cathro as Director General of the Bank of North Dakota respectively, to report on the truth of the statements made by Attorney General Langer, and the affidavit of O. E. Lofthus as state examiner is also in pursuance of the same resolution.

W. A. ANDERSON,  
Secretary of the Industrial  
Commission of North Dakota

December 5, 1919.

State of North Dakota, County of Burleigh ss:

F. W. Cathro, being first duly sworn deposes and says that

at all the time hereinafter mentioned he was, ever since has been, and now is the duly qualified and acting Director General of the Bank of North Dakota, that in said capacity he has full knowledge and information of and direct charge over the details of the operation of the said bank; that this affidavit is made in compliance with a resolution of the Industrial Commission under the date of November 4, 1919, asking affiant to report whether or not the Bank of North Dakota ever received any postdated checks or notes from the Scandinavian-American Bank of Fargo as security or otherwise. Affiant states that on or about August 29, 1919, the said Scandinavian-American Bank mailed to the Bank of North Dakota certain bills receivable in the amount of \$333,460.93 for rediscount and requested that the same be credited to the account of the said Scandinavian-American Bank; that attached hereto marked "Exhibit A" is a copy of a letter which accompanied said bills receivable; that on the 30th day of August, 1919, said bills receivable to the amount of \$279,308.55 were returned to said Scandinavian-American bank accompanied by a letter of the same date, copy of which is attached hereto marked "Exhibit B" and made a part of this affidavit that thereafter on or about September 5, 1919, affiant returned the remaining bills receivable aggregating \$54,152.28 by delivering them to Mr. P. R. Sherman, Cashier of said Scandinavian-American Bank. That the said Bank of North Dakota has never loaned the Scandinavian-American Bank any money, neither has it accepted for rediscount any notes, post-dated checks or other evidences of debt. All of which facts, should have been well known to Mr. P. E. Halldorson and Assistant Attorney General Sheets at the time they checked up the books of the said Scandinavian-American Bank; and that the statements made by Attorney General Langer to that effect are untrue.

Further affiant saith not.

F. W. CATHRO.

Subscribed and sworn to before me  
this 15th day of November, A. D. 1919.

P. A. BENSON,  
Notary Public, Burleigh County, N. D.,  
My commission expires September 21, 1922.

#### EXHIBIT A

#### SCANDINAVIAN-AMERICAN BANK

Fargo, N. D., August 29, 1919.

F. W. Cathro, Director General.  
Bank of North Dakota,  
Bismarck, N. D.

Dear Sir—

In accordance with our recent conversation I am inclosing for rediscount our bills receivable, endorsed and guaranteed by this bank in the sum of \$333,460.83. Please deposit to our credit.

I am inclosing also resolution of our board of directors duly adopted and of record, authorizing this transaction. Should some of these notes be unsatisfactory, we will replace with others.

We hold for your account farmers' notes and post-dated checks in the aggregate amount of \$500,000.00 to pro-

test the above bills receivable. We will proceed with collection of same and remit proceeds should such collection be made prior to maturity of notes which they secure.

We hold pledge of the National Nonpartisan League and of Consumers United Stores Co. both of which assign and guarantee all collateral notes and post-dated checks. We inclose statement of Consumers United Stores Co.

There are some notes taken on two signatures and also on the guarantee of endorsers. These have been carefully selected as to quality, and if collateral was required at the time loans were granted in order to insure their safety, we have it here in our files and will hold same for your account.

As to statements of makers on these notes, they are mainly well to do farmers and if necessary we can forward statements later. We are short of help and unable to rate each maker in detail. We will gladly rectify any technical errors.

Yours very truly,

H. J. HAGEN,  
President.

EXHIBIT B

August 30, 1919.

Mr. H. J. Hagen, President,  
Scandinavian-American Bank,  
Fargo, N. D.

Dear Sir:

I return you herewith 39 notes aggregating \$279,308.55, as not being in accord with our conversation relative to rediscounts.

We are retaining 16 notes aggregating \$54,152.28, statement for which will be sent you Tuesday.

Very truly yours,

F. W. CATHRO,  
Director General.

State of North Dakota, County of Burleigh ss:

J. R. Waters, being first duly sworn, deposes and says that he is the duly qualified and acting Manager of the Bank of North Dakota and that he has been such manager ever since the said Bank of North Dakota was organized; that as such manager he is conversant with all of the affairs of said bank; that at no time since the organization of said Bank of North Dakota has it ever loaned any money to the Scandinavian-American Bank of Fargo nor has it accepted from the said bank for rediscount any postdated checks or notes.

Further affiant saith not.

J. R. WATERS,

Subscribed and sworn to before  
me this 18th day of November, A. D. 1919.

R. M. HALLIDAY,  
Notary Public, Burleigh County, N. Dak.  
My commission expires Oct. 18, 1921.

State of North Dakota, County of Burleigh, ss:

O. E. Lofthus, being first duly sworn, deposes and says that he is the duly qualified and acting State Examiner of the State of North Dakota and that his duties consist of making examinations of various state banks within the state as well as the Bank of North Dakota; that during the month of

October an examination was made of the affairs of the Bank of North Dakota; that in making said examination he found that no loans had been made to the Scandinavian-American Bank of Fargo and that he did not find in the assets of the said Bank of North Dakota any postdated checks or notes either as collateral security or otherwise; that he found the condition of the affairs of the Bank of North Dakota first class in every respect; that in his opinion and belief all of the loans made by the said Bank of North Dakota are safe, conservative and liquid assets and made in full compliance with the law; that he considers the officials in charge of said Bank of North Dakota capable and conservative.

Further affiant saith not.

O. E. LOFTHUS.

Subscribed and sworn to before me this 14th day of November, A. D. 1919.

P. A. BENSON,

Notary Public, Burleigh County, N. D.

My commission expires September 21, 1922.

Mr. Fraser moved that the foregoing resolution and affidavits be printed in the Journal, which motion prevailed and it was so ordered.

Mr. Hyland moved that it is the desire of the Senate that the Governor of this State should be requested to remove Mr. Hagan as a member of the Guarantee of Bank Deposits Commission, which motion was lost.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 5, 1919.

Mr. President: I have the honor to return herewith the following bills:

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

Which the House has passed unchanged.

Very respectfully,

GEO. A. TOTTEN, Jr.,

Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 5, 1919.

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

House Bill No. 13, "A Bill for an Act providing for the apportionment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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

House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof."

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

Very respectfully,

GEO. A. TOTTEN, Jr.,  
Chief Clerk.

Mr. Ployhar moved that all reference made to the Attorney General in the Journal be expunged from the record. Which motion was lost.

Mr. Bowman moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate reassembled, the President presiding.

Mr. Hemmingsen moved that Senate Bill No. 16 be referred to the committee on State Affairs, which motion prevailed and it was so ordered.

Mr. Ingerson asked the unanimous consent of the Senate to amend Senate Bill No. 51, which consent was granted.

Mr. Ingerson moved that the following amendment to Senate Bill No. 51 be adopted:

In Section 5, line 12, of printed bill, after the word "oaths" strike out comma and insert period and strike out balance of line 12 and part of line 13, down to and including the word "same" and insert in lieu thereof "The assessor shall file the original of such affidavit."

In line 14, after the word "year" strike out period and the word "one" and insert the word "and".

In Section 6, line 13, at the end of line strike out the word "to" and insert in lieu thereof the word "with".

At the end of Section 4, line 15 of the printed bill, add the following: "Such compensation shall be paid out of the Hail Insurance fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditor."

#### SENATE ROLL CALL

Senate Bill No. 51, "A Bill for an Act to amend and reenact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 46; nays, 0; absent and not voting, 3.

Ayes—

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

Absent and not voting—Levang, Ployhar, Sikes.  
So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 51 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 34, "A Bill for an Act to amend and reenact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the State under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 39; nays, 1; absent and not voting, 9.

Ayes—

Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Nelson, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Ziemann.

Nays—Porter.

Absent and not voting—Haggart, Hyland, Jacobsen, Kendall, Levang, Murphy, Ployhar, Sikes, Whitman.

So the bill passed and the title was agreed to.

Mr. Benson moved that the vote by which Senate Bill No. 34 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Church mover that Senate Bills Number 56 and 33 be considered properly engrossed and placed on third reading, which motion prevailed and it was so ordered.

Mr. McCarten asked the unanimous consent of the Senate to amend Senate Bill No. 56, which consent was granted.

Mr. McCarten moved to amend Senate Bill No. 56 as follows:

In the original bill beginning at the end of line one of the title strike out the word "Compiled" and insert in lieu thereof the word "Session".

In line 2 of the bill following the figures "1919" insert "same being Section 1224, Compiled Laws of North Dakota of 1919".

In line 2 of the bill following the figures "1919" insert "same being Section 1224, Compiled Laws of North Dakota of 1913".

Which motion prevailed and the bill was so amended.

Senate Bill No. 56, "A Bill for an Act to amend and reenact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 42; nays, 0; absent and not voting, 7.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Zieman.

Absent and not voting—Hyland, Kendall, Levang, Mostad, Ployhar, Sikes, Whitman.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 56 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Welford moved that further consideration of Senate Bill No. 33 be deferred until 5 o'clock P. M., which motion prevailed.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill the roll was called and there were ayes 40, nays 1, absent and not voting 8.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Wenstrom, Whitman, Zieman.

Nays: Hyland.

Absent and not voting: Ingerson, Jacobsen, Levang, McBride, Oksendahl, Ployhar, Sikes, Welford.

So the bill passed and the title was agreed to.

Mr. Church moved that House Bill No. 21 be re-referred to the committee on State Affairs which motion prevailed and it was so ordered.

Mr. King moved that Senate Bill No. 33 be re-referred to the committee on State Affairs, which motion prevailed and it was so ordered.

## SENATE ROLL CALL

House Bill No. 36.

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes, 30, nays 14, absent and not voting 5.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Olson, Pendray, Stenmo, Ward, Weber, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Haggart, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Porter, Storstad, Whitman.

Absent and not voting: Levang, Oksendahl, Sikes, Welford, Ployhar.

So the bill passed and the title was agreed to.

## SENATE ROLL CALL

House Bill No. 51.

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

Was read the third time.

The question being on the final passage of the bill. The roll was called and there were ayes 37, nays 7, absent and not voting 5.

Ayes: Beisel, Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Olson, Pendray, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Murphy, Nelson, Porter, Stenmo, Storstad, Whitman.

Absent and not voting: Carey, Levang, Oksendahl, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Hyland moved that House Bill No. 46 be amended as follows:

In line 11 strike out the word "three" and insert the word "one" in lieu thereof. In line 12 strike out the word "four" and insert the word "two" in lieu thereof. In the same line that the word "five" be stricken out and the word "three" inserted in lieu thereof.

Which motion was lost.

## SENATE ROLL CALL

House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of the State of North

Dakota for 1919, relating to Workmen's Compensation Fund."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 31, nays 14, absent and not voting 4.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Olson, Pendray, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Hyland, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Porter, Stenmo, Storstad, Whitman.

Absent and not voting: Levang, Oksendahl, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Church moved that the vote by which House Bill No. 21 was referred back to the committee be reconsidered, which motion prevailed and the vote was reconsidered.

Mr. Cahill moved that House Bill No. 21 be amended as follows:

In section 13, in line 8, after the word "amount" insert the words "of the net income."

In line 9, after the word "aside" insert the words "by the directors."

In line 10, after the word "remainder" insert the words "if any."

Which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 21.

"A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 37, nays 9, absent and not voting 3.

Ayes: Beisel, Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkirk, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Carey, Hyland, McBride, Murphy, Nelson, Porter, Storstad, Whitman.

Absent and not voting: Levang, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Jacobsen moved that the title to House Bill No. 21 be amended to read as follows:

For an Act to amend and re-enact Sections 8 and 13 of Chapter 97 of the laws of 1917 and also section 16 of chapter 97 of the laws of 1917 as amended by Section 2 of Chapter

99 of the laws of 1919, relating to the incorporation of Co-operative Associations; the voting powers thereof; and apportionment of earnings.

Which motion prevailed and the title was so amended.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to Revenue and Taxation and Fixing the Situs of Personal Property for Tax Purposes."

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

THOMAS PENDRAY,  
Chairman.

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

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 10, "A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

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

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

Section 2. (Amendment Section 2 of Chapter 227, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

Section 2. All petroleum products or by-products as in this Act defined, sold or offered for sale within the state are hereby classified for purposes of taxation as follows: and from and after the date when this Act goes into effect, every oil company doing business within the state, and engaged in storing, shipping, consigning, distributing or selling any petroleum products or by-products, as in this Act defined, shall pay a tax upon the same, as in this section classified, as follows:

Class 1. All gasoline conforming to North Dakota chemical tests for household purposes, as prescribed in Sections 8, 9, and 10 of Chapter 185, Laws of North Dakota, 1919, shall be exempt from taxation.

Class 2. Upon all gasolines not conforming to the requirements of Class 1, but which, under said tests distill over not less than three per cent and not more than fifteen per cent below 158 degrees F. and leaving a residue undistilled of not more than thirty-six per cent at 284 degrees F. distilling not less than ninety-six per cent below 428 degrees F., and containing no other ingredients than petroleum products or by-products, a tax of one-fourth of one cent per gallon.

Class 3. Upon all gasolines not conforming to the requirements of Class 1 or Class 2, or containing materials other than petroleum products or by-products—a tax of one cent per gallon.

Class 4. Upon all kerosene conforming to North Dakota chemical tests for illuminating purposes, as prescribed in Sections 8, 9 and 10 of Chapter 185, Laws of North Dakota, 1919—a tax of one-fourth of one cent per gallon.

Class 5. Upon all kerosene not conforming to the requirements of Class 4, and upon all other petroleum products or by-products, as defined in this Act, not hereinbefore in this Section enumerated, a tax of one-half of one cent per gallon.

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 28, "A Bill for an Act providing for the enforcement of the payment of taxes due to the State or to any taxing sub-division thereof, by the State Tax Commissioner; and repealing all Acts or parts of Acts in conflict herewith."

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

Strike out all after the words, "A BILL," and insert the following:

For an Act legalizing certain acts of city, village and school officials.

Be it enacted by the Legislative Assembly of the State of North Dakota:

Section 1. "Amendment." Where the officers of any incorporated city, village or school district of this state shall have incurred indebtedness and issued warrants or orders for the erection, purchase, repair or maintenance, within and for said city, village, or school district for school or other buildings, or water works, gas or electric light plants, public wells, cisterns, fire apparatus, or legitimate corporate purposes for said city, village or school district, or to pay for or to raise money for any such purpose, and said warrants or orders are outstanding, or held in the general revenue or other funds of said city, village or school district, in any or all such cases where said warrants or orders are within the debt limit, the same are hereby legalized and are declared to be the valid indebtedness of such city, village or school district, and in every case where the city council or city commissioners, village board of trustees, school board or board of education thereof shall heretofore or shall hereafter determine by resolution or ordinance, that it was or is for the best interests of the city, village or school district to issue its negotiable bonds in the name of the city, village, or school district for the sole purpose of funding such indebtedness and shall have been or shall be authorized to issue such bonds, by a majority vote of the qualified electors of such city, village or school district, voting thereon at any regular or special election legally called and held after public notice thereof as required by law, and if such bond shall

have been or shall be executed, sold and delivered for value, and the proceeds arising from such sale shall have been or shall be applied exclusively to the express purpose of funding such warrants or orders, then in every case such bonds whether engraved, lithographed or printed on bond paper shall, when executed, sold and delivered as provided by law, be deemed, and hereby are declared to be valid and substituting indebtedness of the city, village or school district issuing the same.

Section 2. This Act shall not affect any actions now pending in which the validity of such warrants, orders or indebtedness is called in question; providing, however, that the issue of such bonds shall not be construed to be an increase of the indebtedness of the municipality and the proceeds from sales of such bonds shall be applied exclusively towards the discharge of the indebtedness of such city, village or school district referred to in Section 2 of this Act.

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

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

The committee on Revision and Correction of the Journal made the following report:

Mr. President: Your committee on Revision and Correction of the Journal have carefully examined the Journal of the Tenth Day After Recess and Eleventh Day and recommend that the same be corrected as follows:

On page 1, strike out line 39.

On page 7, strike out line 54.

On page 9, in line 46, correct the spelling of the word "workers".

On page 12, strike out lines 19, 20, 21 and 22.

On page 14, after line 44, insert the following: "Absent and not voting: Church, Hamerly, Hunt, Levang, Mortenson, Sikes".

In line 47, correct spelling of the word "sustained".

On page 15, change the figure "39" to "21"; after line 14, insert the following: "Absent and not voting—Levang, McCarten, Mortenson, Sikes".

On page 17, line 17, correct spelling of word "printed".

On page 18, line 37, correct spelling of the name "Mostad".

On page 20, line 33, correct spelling of the word "instructed".

Line 37, correct spelling of word "state".

On page 21, strike out lines 4 and 5.

Page 26, line 49, following word "amendment", insert "To House Bill 48".

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

Mr. Cahill moved that all absent Senators be excused, which motion prevailed.

### FIRST AND SECOND READING OF HOUSE BILLS

#### House Bill No. 20.

"A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all other acts and parts of acts in conflict with the provisions of this act."

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

#### House Bill No. 41.

"A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of Township Supervisors, Road Overseers and County Commissioners with reference thereto, and providing for the payment of the expense thereof."

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

#### House Bill No. 13.

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

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

Mr. King moved that Senate Bill No. 5 be re-referred to the committee on State Affairs, which motion prevailed and Senate Bill No. 5 was re-referred.

The courtesies of the floor were extended to Mr. W. T. Prine, Neche, N. Dak.; Mr. John Wallin, A. B. Dill and Wm. O'Leary of Minot.

Mr. Cahill moved that the Senate recess until the hour of 1 o'clock P. M. tomorrow, which motion prevailed and the Senate recessed.

W. J. PRATER,  
Secretary.

### CALENDAR FOR DECEMBER 6, 1919

Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068, and 9777 of the Compiled Laws of the State of North Dakota for the year 1913 and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not

exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Senate Bill No. 30, "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the State; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Senate Bill No. 41. "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 55, "A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 10, "A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 28, "A Bill for an Act providing for the enforcement of the payment of taxes due to the State or to any taxing sub-division thereof, by the state tax commissioner; and repealing all Acts or parts of Acts in conflict herewith."

## TWELFTH DAY AFTER RECESS AND THIRTEENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 6th, 1919.

The Senate assembled pursuant to recess taken, the President presiding.

## A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 5, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by Non-residents in banks within the State."

Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of the commissioner of insurance as a member of the state board of equalization and a secretary thereof instead of the state auditor."

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of Assistant Attorneys General."

Which the House has passed unchanged.

Very respectfully,

GEO. A. TOTTEN,  
Chief Clerk.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 6, 1919.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 48, and the Speaker has appointed a conference committee of Representatives Hoare, Bryans and O'Connor of Pembina to act with a like committee from the Senate.

Very respectfully,

GEO. A. TOTTEN,  
Chief Clerk.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 5, 1919.

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

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

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

Very respectfully,

GEO. A. TOTTEN,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 36.

"A Bill for an Act Providing for the Distraint of Property for the Payment of Delinquent Taxes due to the state."

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

Strike out all after the words "A Bill," and insert the following:

"For an Act providing for the collection of delinquent taxes due to the State.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. "Amendment." When any tax required by law to be paid to the state has been duly assessed, certified and demanded, and is delinquent and remains unpaid, the Attorney General, Tax Commissioner, or other officer of the state charged with the enforcing of the payment or collection of the same, within ten days after such demand, shall notify the delinquent that unless such tax is paid on or before the tenth day thereafter, the same will be placed in the hands of the state or any county sheriff for collection; and if such tax remains unpaid, such official shall, upon such date, certify such tax to the state sheriff, or to the county sheriff of any county wherein the property of any such delinquent tax payer may be located, and such sheriff shall immediately pro-

ceed to collect such delinquent tax; and if the same be not forthwith paid upon demand by him, he shall distrain sufficient property belonging to such taxpayer to pay the same, including the penalty provided by law, together with accrued interest at the rate of five per cent per annum, and all costs of such distraint and sale. Said sheriff shall immediately proceed to advertise the sale of such property by putting notices in three public places in the town or district where the same is taken, stating the time when and the place where such property is to be sold, the amount of said delinquent tax, penalties, accrued interest and costs, which place of sale shall be at the residence or place of business of the person, firm, or corporation whose property has been distrained, or at the place of sale of mortgaged chattel or real property within such town or district, at the discretion of the sheriff. Such sale shall not be less than ten days after the taking of such property; and if such tax, penalties, accrued interest and costs be not at that time paid, said sheriff or his deputy shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, penalties, accrued interest and costs. Any surplus arising from such sale shall be disposed of as in the case of mortgaged personal or real property, as the case may be. All moneys collected under the provisions of this act shall be paid into the state treasury, and the State Treasurer shall issue to such sheriff a proper receipt for the same.

Section 2. When any tax assessed under the authority of the state, or any taxing subdivisions thereof, is due and unpaid, and any state or county officer whose duty it is to enforce the payment of such tax, by the institution of legal proceedings or otherwise, shall neglect or refuse to take such action, the State Tax Commissioner shall institute such legal or other proceedings as he may deem necessary for the enforcing of the payment of such taxes, or of the collection of the same, together with all penalties provided by law, by the distraint of property or otherwise; and for these purposes he may exercise any power conferred by law upon any state or local officer. For the carrying out of the purposes of this act the State Tax Commissioner may employ such legal or other assistance as he may deem necessary.

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

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary to whom was referred Senate Bill No. 25.

"A Bill for an Act to amend and re-enact Section 9238 of the Compiled Laws of North Dakota for the year 1913, relating to sports on the first day of the week."

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

R. L. FRASER,  
Chairman.

The committee on Judiciary made the following report:

Mr. President: Your committee on Judiciary to whom was referred House Bill No. 13.

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

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

R. L. FRASER,  
Chairman.

Mr. R. L. Fraser moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 39.

"A Bill for an Act to appropriate money for the expenses of the Executive Department of the State to cover expense in meeting certain emergencies."

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

R. McCARTEN,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625 and 626 of the Compiled Laws of North Dakota for the year 1913; and to amend and re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 252 of the Session Laws of North Dakota for the year 1917."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh county to Morton county within the state of North Dakota, under the provisions of Chapter 73 of the laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

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

Strike out everything after the words "A Bill" and insert in lieu thereof the following:

For an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh county to Morton county within the State of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919; and making an appropriation for the construction of a bridge across the Red River at Pembina, North Dakota.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter — of the Laws of the Special Session of North Dakota for the year 1919, the sum of \$260,000 or so much thereof as may be necessary for the following specified purposes between the following dates, viz.:

December 15, 1919, to June 30, 1921, both dates inclusive, to-wit:

For the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Missouri River from Burleigh county to Morton county within the State of North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, the sum of \$225,000.

For the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Red River between the City of Pembina, Pembina county, North Dakota, and the Town of St. Vincent, Kittson county, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, the sum of \$35,000.

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

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 52.

"A Bill for an Act to repeal Section 9231 of the Compiled Laws of North Dakota for the year 1913, relating to theaters keeping open on Sunday."

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

J. I. CAHILL,  
Chairman.

The committee on Banking made the following report:

Mr. President: Your committee on Banking to whom was referred House Bill No. 10.

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

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

E. A. BOWMAN,  
Chairman.

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

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 32.

"A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the Assessment of Express, Telegraph, and Telephone Companies, Freight Line and Car Equipment Companies, and to Impose a Gross Earnings Tax on Freight Line and Car Equipment Companies, and Repealing all acts and parts of acts in conflict herewith."

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

In Section 5, line 21, after the word "proceedings" strike out the balance of Section 5 and insert therein the following amendment, to-wit:

"Such delinquent and unpaid tax and penalties assessed and certified by the State Tax Commissioner, shall be a lien upon all and singular, the property, estate and effects of any such company, association, co-partnership, corporation or individual, and shall take precedence of all demands and judgments against the same; and the certificate of the State Tax Commissioner that the said tax and penalties are due and unpaid, and the unpaid draft of the State Auditor issued in pursuance thereof, shall be sufficient warrant for the Attorney General to institute proceedings for the collection of said tax and penalties, by sale of such property or otherwise. For the purposes of this Act and the taxes herein imposed, all cars owned and operated by any freight line or car equipment companies and operated within the state, or partly within and partly without the state, are hereby declared to have a situs in the state."

In Section 7, line 8 after the word "Commissioner" strike out the balance of such section and insert therein the following amendment, to-wit:

"Or his authorized agent may examine the books of such corporation and from such examination and any other source available make the return required to be made in Section 2, which return shall stand in the place of the return required of such corporation for all the purposes of this act."

In Section 8, line 3, after the word "officer" strike out the word "of" and insert as an amendment, the word "or."

In Section 9, strike out the entire section and insert in its stead, the following amendment, to-wit:

"All administrative, special and general provisions of law,

including the general tax laws of the state and not inconsistent with the provisions of this Act are hereby extended and made applicable to all the provisions of this act and to the taxes herein imposed."

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 6.

"A Bill for an Act to amend and re-enact Section 2 and Section 13 of Chapter 192, Laws of North Dakota, 1919, relating to public utilities and the powers of the Railroad Commissioners with regard thereto."

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

J. I. CAHILL,  
Chairman.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 27.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of Tax Levies."

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

Strike out all after the words "A Bill," and insert the following:

For an Act to amend and re-enact Chapter 214, Laws of North Dakota, 1919, relating to the Limitation of Tax Levies, Debt Limits and the Powers and Duties of Certain Officers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. "Amendment." Chapter 214, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

Section 1. For the years 1919 and 1920, the total annual amount of the taxes levied for any purpose, except special levies for local improvements and for the maintenance of sinking funds, in any county or political subdivision thereof, or in any village, town or city within the state, shall not exceed by more than ten per cent the amount that would be produced by the levy of the maximum rate provided by law upon the assessed valuation of 1918; provided, that for road and school purposes the amount levied may be twenty per cent for 1919 and forty per cent for 1920, respectively, upon the basis of the assessed valuation of 1918.

Section 2. No salary of any official now determined on the basis of the amount of the assessed valuation of the taxable property in any county or political subdivision thereof, or in any city, town or village, shall be increased, prior to July 1, 1921, beyond the amount now authorized on the basis of the assessed valuation of 1918.

Section 3. In any case where any duty or power is imposed or conferred by law upon any official in any county or polit-

ical subdivision thereof, or in any city, town or village, and such duty or power is contingent upon the assessed valuation of the taxable property in such county, political subdivision, city, town or village, prior to July 1, 1921, such duty or power shall rest upon and be conditioned by the assessed valuation of 1918, except as provided in Section 1 hereof.

Section 4. The debt limit of any county or political subdivision thereof, or of any city, town or village, shall not be increased in any fiscal year, prior to July 1, 1921, more than twenty-five per cent, nor shall the total increase be more than fifty per cent upon the limit now fixed by law upon the basis of the assessed valuation of 1918; provided, however, that the provisions of this section shall not apply to school districts desiring to raise money for the purpose of repairing, furnishing, or building school houses.

Section 5. In all cases wherein levies have been made or salaries or debts increased, or any duty or power of any official has been limited or extended in excess of, or contrary to the limitations prescribed herein, the same shall be revised and corrected so as to conform to the provisions of said Chapter 214, Laws of North Dakota, 1919, as hereby amended. Any county, city, town, village, township or other officer violating any of the provisions of this act shall be subject to a fine of not less than one hundred nor more than five hundred dollars.

Section 6. All acts or parts of acts, in so far as inconsistent with provisions of this act are hereby repealed.

Section 7. This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

THOMAS PENDRAY,  
Chairman.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 12.

"A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to Income Taxes."

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

Insert after the numeral "13" in the second line of the title the words "and Section 18."

Insert after the word "taxpayer" in line 18 of page 2 the words "having net income in excess of the total exemptions allowed in this Act."

Insert after the word "year" in line 11 of Section 2 on page 3 the words:

"When the aggregate amount thereof exceeds the total exemptions allowed in this Act."

Omit the word "net" following the word "total" in line 31 on page 6.

Add a section following Section 4 as follows:

Section 5. (Amendment). Section 18 of Chapter 224,

Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

Section 18. Any contract entered into after the passage of this Act, creating a relation of debtor and creditor, which shall contain any provision requiring the debtor to pay any portion of the tax imposed by this Act upon the creditor or his successor in interest shall be void; and whenever any such debtor may have paid any such tax he may recover from the creditor or his successor in interest a sum equal to double the amount so paid. Any person knowingly inserting or procuring the insertion of such provision in any such contract shall be subject to a fine of not more than \$1,000.00.

Provided, that nothing herein contained shall be construed so as to make illegal any contract or agreement by which any bank or fiduciary corporation within the state may undertake to absorb or pay the income tax chargeable against its customers or depositors upon investment made by or through such bank or fiduciary for said customers or depositors.

Add a section following Section 5 to read as follows:

Section 6. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

THOMAS PENDRAY,  
Chairman.

## FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 35.

"A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning."

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

## A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 6, 1919.

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

## A CONCURRENT RESOLUTION

Introduced by Mr. Whipple.

Whereas the rental of the Committee Rooms used by the Sixteenth Legislative Assembly at the Regular Session during January and February, 1919, has not as yet been paid, and

Whereas no provision has been made for payment of the Rental of the Committee Rooms used by the Special Session of the Sixteenth Legislative Assembly, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING

That the Board of Administration is hereby authorized to ascertain the amount of said rentals, and to draw a warrant upon the State Treasurer in payment of same.

BE IT RESOLVED that this Resolution be enrolled and copies of it be filed by the chief clerk with the Board of Administration.

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

Very respectfully,  
GEO. A. TOTTEN,  
Chief Clerk.

The Senate returned to the ninth order of business. Mr. Wenstrom asked the unanimous consent of the Senate to introduce a bill, which consent was granted.

#### INTRODUCTION,

#### FIRST AND SECOND READING OF SENATE BILLS

Mr. Wenstrom introduced

Senate Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing All Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

Mr. Cahill moved that the Senate recess subject to the call of the Chair, which motion prevailed and the Senate recessed.

The Senate reassembled, the President presiding.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred

Senate Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

J. I. CAHILL,  
Chairman.

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

The committee on Ways and Means made the following report:

Mr. President: Your committee on Ways and Means to whom was referred Senate Bill No. 46, "A Bill for an Act to establish a State Athletic Commission regulating boxing and sparring in the State of North Dakota; defining its powers and duties; regulating boxing exhibitions, and providing penalties for the violation thereof, and repealing all Acts and parts of Acts in conflict therewith."

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

JAMES A. WENSTROM,  
Chairman.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 51, "A Bill for an Act to amend and reenact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 10, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

And find the same correctly re-engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 9, "A Bill for an Act to amend and reenact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters and defining absent voters and declaring an emergency."

Senate Bill No. 30, "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the State; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Senate Bill No. 41, "A Bill for an Act to amend and reenact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms

and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913 and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 55, "A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 56, "A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

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

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign Senate Bill No. 29, "A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State

of North Dakota for the year 1919, and providing the time in which the provisions of said Section shall be complied with."

And the President signed the same in the presence of the Senate.

Mr. Wenstrom moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

### THIRTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 6, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer was offered by the Chaplain, Rev. Fr. Hiltner.

The roll was called and the following Senators were present:

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

WHEREAS: We believe that the greatness of this nation, the splendid morale of its citizen soldiers and its people, are

### PETITIONS AND COMMUNICATIONS

largely the result of high moral standards, the conformity of the laws of the land with the law of God. Therefore,

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

Endorsed by vote of 108 people at a meeting held at the Congregational Church at Mayville, North Dakota, on November 13, 1919.—Signed by La Roy A. Lippitt, Chairman.

Senator Frank H. Hyland,  
Representatives Mikkelson, Olson, and Kelly,  
Bismarck, N. Dak.

We demand that the State Administration purge our Educational system of Socialism, Free Love, and Atheism. That the management and control of our common and high schools be restored to the Superintendent of Public Instruction. That C. E. Stangeland, Robert Muir and George A. Totten and others responsible for present conditions be retired. We gave our boys to save Christian Civilization and we will not sit idly by and have our own State Government assassinate what they did to save.—AMERICAN WAR MOTHERS, Devils Laks, N. Dak.

Leeds, N. Dak., Dec. 6, 1919.

Hon. W. J. Church, State Senator,  
Bismarck, N. Dak.

We demand removal of all books pertaining to Free Love and anarchy now in State Library; also demand removal Stangeland from office.—William Whalen Post, American Legion.

TO THE MEMBERS OF THE STATE SENATE

Gentlemen:—

Bismarck Lodge Number 1199 B. P. O. Elks extend a cordial invitation to your Honorable Body, to attend our Annual Memorial Day Services, to be held in the Auditorium, Sunday, December 7th, 1919, at 3:30 P. M.

We are pleased to advise you that the Memorial Day Address will be given by the Honorable J. F. T. O'Connor of Grand Forks, N. Dak.

Respectfully,  
J. P. SELL,  
Exalted Ruler.

Mr. Cahill moved that the report of the committee on Senate Bill No. 25 be adopted.

Mr. Mostad moved to amend the motion by substituting the words "do pass" for the words "indefinitely postponed," which motion was lost.

The question being on the motion to adopt the Committee report, the motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 52 be adopted, which motion prevailed and the report was adopted.

Mr. Wenstrom moved that the committee report on Senate Bill No. 46 be adopted.

Mr. Mostad moved to amend the motion by substituting the words "do pass" for the words "indefinitely postponed," which motion was lost.

The question being on the original motion to accept the committee report, the motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 6 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 10 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 28 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 32 be adopted, which motion prevailed and the report was adopted.

Mr. Cahill moved that the committee report on Senate Bill No. 33 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 36 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 27 be adopted, which motion prevailed and the report was adopted.

Mr. Pendray moved that the committee report on Senate Bill No. 12 be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 5, "A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same; defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this Act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

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

In line 41, Page 6 of Printed Bill, strike out the word "October" and insert in lieu thereof the word "September".

In line 14, page 11 of Printed Bill, after the word "exceed" strike out the figures "\$3,000.00" and insert in lieu thereof the figures "\$2,000.00".

In Section 11, add 2a after Sub-Section 2: A further sum not to exceed \$130,000.00 annually shall be set aside to meet the state's obligation as provided in Chapter 73, Session Laws, 1919.

In Sub-Section 3 of engrossed Bill, line 2, change word "deduction" to "deductions."

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

Mr. Wenstrom moved that the rules be suspended insofar as is necessary to consider Senate Bill No. 58 properly engrossed, which motion prevailed and it was so ordered.

#### SENATE ROLL CALL

Senate Bill No. 58. "A Bill for an Act, etc."

Was read the third time.

Senate Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing All Acts and parts of Acts in conflict therewith; and declaring an emergency."

The question being on the final passage of the bill, the roll was called and there were, ayes, 45; nays, 0; absent and not voting, 4.

Ayes—

Beck, Beisel, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt Hyland, Jacobsen, Kendall, King, Liederbach,

McBride, McCarten, McNair, Mees, Mortenson, Mostad, Mor-  
krid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson,  
Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber,  
Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Bowman, Jacobsen, Levang, Sikes.  
So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill  
No. 58 passed, be reconsidered and the motion to reconsider  
be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 16, "A Bill for an Act to amend and re-  
enact Sections 625, 626 and 627 of the Compiled Laws of  
North Dakota for the year 1913 as amended by Chapter 252  
of the Session Laws of 1917.

Was read the third time.

The question being on the final passage of the bill, as  
amended, the roll was called and there were ayes, 44; nays, 0;  
absent and not voting, 5.

Ayes—Beck, Beisel, Benson, Berg, Cahill, Carey, Church,  
Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hem-  
mingsen, Hunt, Hyland, Ingerson, Kendall, King, Liederbach,  
McBride, McCarten, McNair, Mees, Mortenson, Mostad, Mor-  
krid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson,  
Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber,  
Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Bowman, Haggart, Ingerson, Le-  
vang, Sikes.

So the bill passed and the title was agreed to.

Mr. Hemmingsen moved that the vote by which Senate Bill  
No. 16 passed, be reconsidered and the motion to reconsider  
be laid on the table. Which motion prevailed.

Mr. Mees moved that the rules be suspended insofar as  
is necessary to adopt the committee report on Senate Bill  
No. 5, which motion prevailed and the rules were suspended  
and the committee report adopted.

Mr. Mees moved that the rules be suspended insofar as is  
necessary to consider Senate Bills Numbers 5 and 33 prop-  
erly engrossed and placed on third reading immediately,  
which motion prevailed and it was so ordered.

Mr. King asked that the following be made a part of the  
Journal record:

#### WORK OF THE MOTOR VEHICLE DEPARTMENT.

The Motor Vehicle Department in 1918 on handling 71,627  
auto tags expended in office salaries including special agents  
and their expenses, the sum of \$13,814.56; while the Motor  
Vehicle Department in 1919 in handling 82,881 auto tags  
will have expended in office salaries including special agents  
and their expenses, the sum of \$9,772.67. During 1919,  
34 1-2 per cent. more fees were collected than in 1918 and  
11,254 more auto tags were sold. In other words OVER ONE-  
THIRD MORE FEES WERE COLLECTED AND ABOUT  
ONE-SIXTH MORE TAGS SOLD IN 1919 THAN IN 1918  
AND HANDLED AT A REDUCTION OF \$4,041.89.

The operating expenses in 1919 will be \$44,000 as against \$33,273.79 in 1918. This is an increase of \$4,726.21, but 10,000 more tags were purchased in 1919 than in 1918 and at a cost of 26 cents per pair in 1919 as against 17 3/4 cents in 1918. Had the 1919 tags been purchased at the 1918 price they would have cost \$7,012.50 less. Then again included in this 1919 operating expense is the item of \$850 to pay for cash register purchased in 1918 and \$894.60 to pay the balance due on 1918 tags.

The increase asked for by the Motor Vehicle Department is to catch up with the fiscal biennium, the appropriation for the Department being from July to July whereas the Department begins its new year on January 1st. This year the Department had no funds to begin 1919 operations and the appropriation was not available until July 1st. It is to provide for the purchase of 1921 tags which should be on hand before the next Legislature convenes. It is to provide for needed clerical help at a fair salary. It is to provide for the expenses of special agents. And it is to provide for the needed printing fund, three-fourths of that appropriated now having been used.

The State Highway Commission has secured from the U. S. Department of Agriculture formal agreement setting aside Federal Aid for 37 projects comprising 511.6 miles, to cost \$1,370,866.73. The Federal Aid is generally 50 percent of the cost of construction.

A part of the 511.6 miles has been completed, the rest is under contract and all should be completed early next summer.

Project statements, applications for Federal Aid, have been submitted to the Secretary of Agriculture for 53 other projects covering 713.8 miles, to cost in the neighborhood of \$2,266,045.95. As soon as the surveys and plans for those projects are completed the State Highway Commission will request execution of "Project Agreements" and thereafter the Secretary of the U. S. Department of Agriculture will authorize the Secretary of the U. S. Treasury to set aside for these projects the United States' share, generally 50%, of the estimated cost of constructing these projects.

There are in the process of preparation in the offices of the State Highway Commission 15 project statements that

will cover about 101 miles of roads and bridges, including the proposed Missouri River Bridge, that will cost about \$1,400,000.00, one-half of which the United States Government will be requested to pay.

The following chart, in connection with the attached map, shows the location of the projects that have been assured Federal Aid; also shows the location of projects for which the State Highway Commission has made application for Federal Aid that cannot be assured until surveys and plans are completed; also shows the location of projects for which applications are now being prepared in the office of the State Highway Commission.

NOVEMBER 25, 1919, STATUS OF FEDERAL  
AID PROJECTS

Descriptions	Miles	Estimate Total Cost	Av. Cost per Mile Approximate
Projects under Original Agreement. Nos. 1, 4, 5, 7, 9, 12, 13, 16, 17, 23, 24, 25, 27, 28, 30, 31, 34, 35, 38, 40, 43, 44, 45 and 46	328.0	\$ 858,169.84	\$2,620.00
Other projects under modified agreement. Nos. 2, 3, 6, 8, 10, 11, 14, 15, 18, 19, 20, 21 and 32.....	183.6	512,696.89	2,790.00
Subtotal.....	511.6	<b>*1,370,866.73</b>	2,680.00
Other projects under project statement. Nos. 22, 26, 29, 33, 36, 37, 39, 41, 42 and 47 to 90 inc.....	713.8	2,266,045.95	3,170.00
Subtotal.....	1,225.4	3,636,912.68	2,970.00
Other probable increases under modifications of project agreements .....		200,000.00	
Subtotal.....	1,225.4	3,836,912.68	3,130.00
Other projects under project statements pending, (inc. Mo. River Bridge) Nos. 91 to 105 inc.....	101.0	1,400,000.00	3,200.00
			Not incl. Mo. R. Bridge
Subtotal.....	1,326.4	5,236,912.68	3,140.00
			Not incl. Mo. R. Bridge
Other projects contemplated for Grand Forks, Golden Valley and Hettinger Counties Nos. 106, 107 and 108 .....	53.6	163,087.32	
Total.....	1,380	<b>**5,400,000.00</b>	3,140.00
			Not incl. Mo. R. Bridge <b>3,910.00</b> Incl. Mo. R. Bridge

## NORTH DAKOTA FEDERAL AID ALLOTMENTS

Available between the inclusive dates	Federal Aid	Minimum of Construction to secure all of Federal Aid
March, 1917-June 30, 1918.....	\$ 76,143.06	\$ 152,286.12
July 1, 1917-June 30, 1919.....	152,286.12	304,572.24
Subtotal	228,429.18	456,858.36
July 1, 1918-June 30, 1920.....	997,946.19	1,995,892.38
Subtotal	1,226,375.37	*2,452,750.74
July 1, 1919-June 30, 1921.....	1,459,884.53	2,919,769.06
Subtotal	2,686,259.90	**5,373,519.80
July 1, 1920-June 30, 1922.....	1,536,720.56	***3,073,441.12
Subtotal	4,222,980.46	8,445,960.92

Following are facts critically pertinent to the successful operation of the State Highway Commission and so to the well-being and prosperity of the State of North Dakota.

The 1919 automobile license fee was too small.

As a result of withdrawing the automobile from the tax list and placing a set fee and then changing the basis of taxation, the automobile, in many cases a luxury, has not paid its proper tax as compared with the tax paid on other property,

The license fee for a new Ford, by virtue of which the the automobile really escaped part of its just taxes.

machine was entitled to certain privileges in all the states of the Union, was, I believe, last year \$7.65, the fee being based on \$525.00 selling price, 14 hundred weight and 22 1-2 horsepower.

A man in Bismarck, would, I believe, have paid \$9.45 simply as personal property tax, if the auto had not been exempted from the personal property tax list.

That is, if my figures are correct, and they are substantially correct, the State, in the above case remitted \$1.80 taxes, to many men in Bismarck, and then furnished him with license and tags without charge.

A, hypothetical, \$2,000.00, 2,000-lb., 30 horsepower car would have enjoyed a more favorable remittance. The license fee for it would have been \$17.00 while the personal property tax should have been \$36.00. That is, in this case, the State would have given the man a receipt for his personal property tax, a license, and license plates, for less than half of what otherwise his personal property tax would have been. (Still assuming Bismarck rate of tax).

The 1919 auto license fee was stated as

5 mills on the selling price, plus

20c per hundred weight, plus

10c per horsepower, with modifications.

The 5 mills on selling price was designed to equivalent the personal property tax under the county list from which the automobile was exempted.

The rate above specified was justified by the fact that under the law in effect at the time the schedule was proposed, automobiles were understood to be listed as assessable at 20% and the average of State, county, township and city taxes, over the State was assumed to be 25 mills.

The "20c per hundred weight, plus 10c per horsepower" was designed as the proper fee that the automobile should pay as a special license fee in addition to the amount of personal property tax.

At the present time the State law lists automobiles as assessable at 50% and it is believed that the levies over the State will range from 23 to 37 mills and that it is fair, in this instance, to assume that the average levy is 30 mills.

The auto license then should certainly include 30 mills on 50% valuation or we will say, to make the statement more direct, 15 mills on the selling price or full value as determinable in the 1919 license law.

The "20c per hundred weight, plus 10c per horsepower" need not necessarily be increased at this time.

This proposed license fee,

15 mills on selling price, plus

20c per hundred weight, plus

10c per horsepower, with

such proviso as would, as in the 1919 law, reduce the "selling price" basis of figuring 10, 25 and 40% in second, third or fourth year usage of machine would, in 1920, probably yield a total of \$1,400,000.00.

It is suggested that the above total amount placed in the hands of the State Highway Commission would provide a solution of many difficulties, perhaps the only possible or practicable solution, would enable the State to secure the full benefits of Federal Aid until such time as funds from State bonds might be possible, and after that time might perhaps be used solely for retiring bonds and for maintenance of State roads.

I would suggest the following schedule as the proper use of the total of auto fees for 1920.

- (1) Operating State Highway Commission, including Registration, including provision for 1,000 miles surveys and plans, including supervision and inspection of construction by a number of inspectors in addition to the 7 division engineers now provided, including an assistant maintenance engineer to share the work of the "project engineer" now done by the maintenance engineer and including 8 assistant engineers, each to have direct charge of the

maintenance of some 700 miles of State Roads	\$300,000.00
(See later page for more information as to need of \$300,000.00 for State Highway Commission operating.)	
(2) Adapting 70 War Department trucks to road construction, furnishing 7 loading and handling gravel plants, operating trucks and plants 150 construction days .....	200,000.00
Adapting 200 War Department trucks to road maintenance, furnishing drags and hand tools, operating trucks 100 maintenance days.....	300,000.00
Patrol maintenance on 5,000 miles of State Highways, pay of about 1,000 patrolmen, on part time, cutting weeds, filling chuck holes, repairing culverts and bridge floors, etc.....	200,000.00
State Aid, (Missouri River Bridge).....	400,000.00
Perhaps 7 tractor-blade grader gang maintenance outfits.	
Proviso. Any balance, actual or prospective from any of above items to be expendable as State Aid.	
Total.....	\$1,400,000.00

## STATE HIGHWAY COMMISSION—OPERATING

It must be understood that North Dakota is entitled to, in round numbers,  $4\frac{1}{4}$  million dollars Federal Aid, as the Government's share not to exceed 50%, of the cost of building State Highways, providing that not less than \$152,286.12 in construction be contracted or used by June 30, 1918, and not less than \$456,858.36 in construction be contracted or used by June 30, 1919, and not less than \$2,452,750.74 in construction be contracted or used by June 30, 1920, and not less than \$5,373,519.80 in construction be contracted or used by June 30, 1921, and not less than \$8,445,960.92 in construction be contracted or used by June 30, 1922, and it must be remembered that the State Highway Commission's force was organized in 1917 and again provided for in the regular 1919 session when the total of Federal Aid, to which North Dakota was entitled was less than one and a quarter million, that is before the Congress increased the appropriation from 75 million to 325 million, available within the same period as formerly provided and as above shown.

At the present time the State Highway Commission, having accomplished a little less than \$1,400,000.00 construction in 1917-18-19, is faced with the necessity of getting a little over \$1,000,000.00 additional under Federal Aid by June 30, 1920, and getting, in round numbers, an additional \$3,000,000.00 under Federal Aid between July 1, 1920, and June 30, 1921, and an additional \$3,000,000.00 under Federal Aid between July 1, 1921, and June 30, 1922.

In addition to the work above indicated the State Highway Commission is, properly, by State law made responsible for the maintenance of the State Highway System, and there is

a provision in the Federal Aid Law that if the State fails to satisfactorily maintain any road built with Federal Aid then the State shall be denied further Federal Aid.

It is safe to figure that if less than the suggested \$300,000.00, suggested to operate the State Highway Commission, is provided, then the State will lose \$10.00 Federal Aid for each \$1.00 reduction below the \$300,000.00.

A description of the organization, costing \$300,000.00, which the State Highway Commission requires to enable it to take full advantage of Federal Aid follows.

#### REGISTRATION DEPARTMENT

The Registration Department requires not less than \$50,000.00 per year.

The statement reported to have been made recently by a gentleman on the floor of the House that he would contract to run the Registration Department for \$10,000.00 and would make a profit of \$5,000.00 on the contract is impressive to one ignorant of the facts.

One of the facts involved is that the contract cost of the 82,881 pair of auto license tags and 1500 pair of motorcycle tags for 1919 was \$21,759.06.

Another fact is that the postage required simply for mailing the tags out to the licensees was between \$4,900.00 and \$5,000.00.

Another fact is that a certain amount of administration and clerk hire is necessary to see that automobile owners pay the license fee, to see that they pay the correct fee, to see that after paying the fee the automobile owner gets his license plates, and finally to see that the State is properly credited with the moneys received.

#### DEPARTMENT OF SURVEYS

Surveys are directed by the Assistant Chief Engineer, who handles this work in addition to other administrative duties.

In the year 1920 not less than one thousand miles of surveys should be made.

This will require that not less than five fully equipped survey parties be in the field eight months.

The surveys must be made carefully and conscientiously so that the work of road improvement may be planned economically and satisfactory to the U. S. Bureau of Public Roads, approval by which is a pre-requisite to the granting of Federal Aid.

The cost of the thousand miles of surveys would be about \$40,000.00.

#### BRIDGES AND DRAFTING

The cost of maintaining a Bridge and Drafting Department through the year 1920 cannot be reduced below \$50,000.00 without crippling the operation of the State Highway Commission.

Included in these departments would be the services of a Bridge Engineer and Chief Draftsman, an Assistant Bridge Engineer and a sufficient number of draftsmen, in addition to the survey crews that would work in the drafting department, through the winter months, to turn out standard de-

signs for bridges and culverts, and full plans, satisfactory to the Federal Aid requirements, for about one thousand miles of road construction each year.

The cost of operating the combined Bridge and Drafting Departments is estimated at \$50,000.00 per year.

#### CONSTRUCTION DEPARTMENT

The State Highway Commission's Construction Department should be built up to handle three million dollars of construction each year.

The organization should include the Construction Engineer, or Road Engineer as he is now called, an Assistant Engineer, the necessary clerical and stenographic aid in the Bismarck office to handle estimates, vouchers, accounts, records and correspondence, eight division engineers each with clerk, and a sufficient number of inspectors to insure getting good results on each contract.

The terms of the Federal Aid Act are such that the State must furnish effective supervision and inspection for Federal Aid work and if sufficient funds are not provided to furnish supervision for the full amount of work possible under the Federal Aid allotment to the State of North Dakota the State Highway Commission will unwillingly have to forfeit Federal Aid in proportion as its operating fund is reduced.

The minimum allowance that should be made for the Construction Department is \$90,000.00 per year.

#### MAINTENANCE DEPARTMENT

The Maintenance Engineer is responsible for arranging with the counties for new projects, assuring of availability of funds, reconnaissance surveys and investigations, preparation of project statements, project agreements and modifications and is responsible for the maintenance of the State Highway System.

The force necessary to adequately take care of the above work should comprise:

Maintenance Engineer, Assistant Maintenance Engineer, full time of two stenographers at Bismarck office, eight division offices each with division maintenance engineer and clerk.

The Maintenance Engineer and his assistant would divide the work of visiting counties to arrange for new work, of reconnaissance and of general maintenance inspection and coordination of division offices in the field. With the assistance of two stenographers in the Bismarck office they would prepare project statements, agreements and other documents for submittal to the U. S. Bureau of Public Roads, and they would handle correspondence, records and accounts from the division maintenance offices.

In 1920 the Maintenance Engineer and assistant should arrange with the counties for starting about 100 new projects, comprising about 1,000 miles, to be constructed at a cost of about three million dollars, they would have to carry these projects to the point where the assistant chief engineer takes charge of them for surveys and plans, and after that would have to secure project agreements from the Secretary of the U. S. Department of Agriculture. They should also complete

a condition survey of the State Highway System that was started in the summer of 1919. They should also, probably, arrange for necessary tests of materials contemplated for use. And in addition would superintend, in general, the maintenance of all of the state highways.

Each division office, in which there should be a division maintenance engineer and a clerk, would have immediate charge of the work of maintenance in six to seven counties, would have charge of maintenance of about 600 miles of state highways on which about 120 patrolmen, 25 to 30 trucks and perhaps one tractor-heavy blade grader outfit would be employed. Each division office would be, within the State Highway Commission's organization held responsible for the expenditure of about \$24,000.00 patrol maintenance and perhaps \$36,000.00 truck dragging, surfacing and repairs and tractor-blade grader shaping. That is the total expenditure under each division maintenance office would approach \$60,000.00 and 8 percent for direct supervision on that amount would be a very reasonable charge and would permit of paying about \$5,000.00 per year for each division office. We have this year, 1919, had about 530 miles under maintenance supervision and have had ample evidence that maintenance work, either patrol maintenance or gang maintenance, without adequate supervision is inefficient, wasteful and unproductive. The organization that has been suggested for the Maintenance Department is the most economical that can well be recommended to safeguard the expenditure of the public maintenance funds.

It is estimated that the handling of reports and accounts from patrolmen and correspondence would occupy the clerk in the division office full time, and that the division maintenance engineer would spend in each month one-fourth of his time in the office, directing and checking the clerks' work and three-fourths of his time on the roads inspecting maintenance, advising patrolmen, looking after truck dragging, and keeping in touch generally with his work. In the late fall and winter the division maintenance engineer might possibly assist with surveys and plans, and during the winter he would need to secure contracts for patrolling for the next season and perfect plans for his next work.

The annual cost of the maintenance organization above outlined would be about \$50,000.00.

#### GENERAL ADMINISTRATION

The general administration expense of the State Highway Commission including compensation for members of the State

Highway Commission and general office expenses not chargeable to the departments above described will be not less than \$20,000.00 per year.

#### SUMMARY

The operating expenses of the State Highway Commission, at a minimum to provide efficient administration and to allow the state to take full advantage of the Federal Aid Act would be:—

Registration Department.....	\$50,000.00
Department of Surveys.....	40,000.00
Bridge and Drafting Department.	50,000.00
Construction Department.....	90,000.00
Maintenance Department .....	50,000.00
General Administration .....	\$20,000.00
Total.....	<u>\$300,000.00</u>

Prepared under the direction of

W. H. ROBINSON,  
Chief Engineer and Secretary, North Dakota State  
Highway Commission.

H. K. CRAIG,  
Maintenance Engineer.

Dec. 4, 1919.

In reviewing the state highway situation, the following statement is issued by the state highway commission:

In the fall of 1918, Mr. Jay W. Bliss, then Chief Engineer and Secretary of the State Highway Commission, was requested to submit a budget for the biennium 1919-1921. This budget provided for \$97,500 per annum, not including the state's share of maintenance estimated at \$25,000. It was based on the estimated needs of the department to secure for the state the full amount of federal aid then allotted to North Dakota for the same biennium 1919-1921, or \$533,001.42.

During the last regular session of the State Legislature, Congress had before it, for consideration, an amendment to the existing federal aid road act whereby the amount of federal aid was to be increased from \$75,000,000 to \$275,000,000, which enlarged North Dakota's share for the five-year period ending June 30, 1921, nearly four-fold or from \$1,142,000 to \$4,226,000.

The state legislature passed one or more concurrent resolutions memorializing in Congress the representatives and senators of North Dakota to support this proposed increase in federal aid. Just a few days before the adjournment of the state legislature, the amendment carried and the state highway commission had immediately put before it the opportunity if not the obligation to secure for the state for the biennium 1919-1921, not \$533,001.42 federal aid, but \$2,457,830.72.

Regardless of the above concurrent resolutions beseeching increase in federal aid and the fact that federal aid available for the biennium covered by the above budget had in-

creased nearly five-fold, the budget as finally passed was cut from \$97,500 to \$90,500 per annum.

Federal Aid allotted to any state is not indefinitely available to that state but must be covered by project agreement entered into with the federal government within one year after each allotment. Construction must follow within a reasonable time thereafter. To enter into a project agreement re-

quires the making of surveys and the submittal of complete plans and estimates.

Provided that adequate state appropriation is made for the proposed Missouri River Bridge so that it may be covered by project agreement by June 30, 1920, the department, under existing conditions, will probably be successful in placing under project agreement all of the federal aid allotted to the state in the years 1917, 1918, and 1919 and about \$500,000 of the 1920 allotment. If the bridge project falls down, the department will be barely able to cover the 1917, 1918 and 1919 federal aid by June 30, 1920. In that case the department will be confronted with the problem of making surveys and plans, in addition to supervising the construction work under way, for about \$3,000,000 of work in each of the years ending June 30, 1921 and 1922. Otherwise the state will lose a part of its allotted federal aid.

A sufficient number of counties have made or will make appropriation to match the present federal aid dollar for dollar, but the state highway department under its inadequate budget is absolutely unable to furnish sufficient engineering to satisfy the counties' willingness to meet and secure such aid. With the administration and engineering on federal aid work estimated at 10 to 15 per cent, it is at once evident that for every dollar deficiency in the budget of the state highway commission, the state of North Dakota will forfeit ten to fifteen dollars federal aid, which reverting to the federal treasury will be redistributed among the other states of the Union to build federal aid roads therein. There is every reason to believe that more and more federal aid will be provided from time to time. In fact, it is quite possible that Congress may provide still further increases in federal aid in its present session.

The commission has placed under construction about 500 miles of federal aid projects in a more or less completed condition, aggregating in cost to \$1,361,492.53, on which \$646,096.56 federal aid has been requested. There has been paid the constructors \$766,532.70. The amount of federal aid paid of due is about \$383,000.00. About 1100 miles of surveys have been made and plans and estimates have been prepared for the greater part of this mileage.

The department is confronted with the task of doing all the necessary surveying, planning, supervision of construction of about \$7,700,000 worth of road and bridge work in order to use all the federal aid available to the state.

Dec. 4, 1919. Prepared under the direction of

W. H. ROBINSON,  
By J. E. KAULFUSS,  
Asst. Chief Engineer.

#### MAINTENANCE OF STATE HIGHWAYS

The state is obligated to the federal government to provide adequate maintenance of federal aid projects constructed under penalty of having all further federal aid to the state held up. The state highway laws in effect impose on the commission the maintenance of the entire state highway

system of 5,000 miles but practically no provision has been made to supply the department with the means to carry out the requirements of the laws and to do the work properly.

EXCESS WAR MATERIAL, SUPPLIES, EQUIPMENT,  
ETC.

After the adjournment of the regular session last spring, by means of a rider to the Post Office Appropriation bill, Congress provided that all excess war materials, supplies, equipment, etc., were to become the property of the state highway departments, the same to be used on or in roads wholly or in part improved with federal aid. The commission has been allotted 319 motor trucks, a number of concrete mixers, tractors, etc., etc., the aggregate value of which approximates, if it does not exceed, \$1,000,000. The freight and loading charges on this material, etc., must be paid by the state. The motor vehicles must be adapted for road purposes, equipped with dump bodies, put into working order and distributed about the state for such road work as the federal law permits. No funds have been specifically provided to take full advantage of this newly acquired property of the state, the value of which is several times the cost of the state highway department in the three years of its existence.

Mr. Hyland moved to amend Senate Bill No. 5 as follows:

In Section 8, page 10 of the printed bill, line 5, strike out the word "week" and insert in lieu thereof the word "day" and that the same change be made in line 6, which motion prevailed and Senate Bill No. 5 was so amended.

SENATE ROLL CALL

Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this Act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 32, nays 10, absent and not voting, 7.

Ayes: Beck, Beisel, Bowman, Cahill, Carey, Drown, Ettetstad, Flekten, Fraser, Haggart, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Mostad, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Stenmo, Ward, Welford, Wenstrom, Whitman, Zieman.

Nays: Church, Hamerly, McCarten, Morkrid, Miklethun, Murphy, Pendray, Porter, Storstad, Weber.

Absent and not voting: Benson, Berg, Hagan, Hyland, Levang, Mortenson, Sikes.

So the bill passed and the title was agreed to.

Mr. Liederbach moved that the vote by which Senate Bill No. 5 passed, be reconsidered and, the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Church:

I wish to explain my vote on Senate Bill No. 5. I am not against it in any way, shape or form, but I do not like the manner in which they are providing for the funds for this bridge. Knowing that a direct appropriation is not advisable at this time, they now try to take it out of the Auto Fund, money paid in for roads by auto owners over the state which I think is unjust.

I find it was unconstitutional to use that fund because it properly belonged to several counties, they now try to make an appropriation of \$130,000 out of the Automobile Fund—taxes paid by the automobile users of the state from the future collection before they are divided among counties, and if it was unconstitutional after the division was made I think it is unconstitutional before the division is made. For that reason I vote “no” on this bill.

#### SENATE ROLL CALL

Senate Bill No. 33.

“A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the State of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919.”

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 37, nays 6, absent and not voting, 6.

Ayes: Beck, Beisel, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fraser, Haggart, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Mostad, Murphy, Nelson, Noltimier, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Welford, Wenstrom, Whitman, Ziemann.

Nays: Fleckten, Hamerly, McCarten, Mortenson, Morkrid, Miklethun.

Absent and not voting: Benson, Hagan, Levang, Oksendahl, Sikes, Weber.

So the bill passed and the title was agreed to.

Mr. Church:

I don't want to appear inconsistent in this matter, but seeing that the state has created a fund to draw this from, I vote yes.

The Senate returned to the Eighth order of business.

Mr. Drown moved that the vote by which the committee report on Senate Bill No. 3 was adopted be reconsidered and the vote was reconsidered.

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of the Eleventh day after recess and Twelfth Day and recommend that the same be corrected as follows:

On page 2 strike out lines 12, 13, 14, 15 and 16.

On page 4, line 9, after the word "conditions," insert the word "and;" in line 32 correct the spelling of the word "verified."

On page 7, line 51, in place of the word "thereof," put the word "therefore."

On page 8, strike out the last line.

On page 9, line 1, strike out the words "A Bill."

On page 15, line 38, correct the spelling of the word "mortgagees;" in line 52, strike out the word "taking" and insert in lieu thereof the word "taxing."

On page 21, line 13, change the word "tame" to "time."

On page 24, line 38, after the word "that" insert the words "it is;" in line 39, strike out the word "Bank" before the word "Guarantee."

On page 25, line 47, change the word "owe" to the word "one."

On page 26, line 52, in place of the words "Bill Numbers" put the words "Bills Number."

On page 28, lines 36 and 37, strike out the words "as amended."

On page 29, show in the Senate Roll Call on House Bill 21, "Ayes 37, nays 9, absent and not voting 3. Ayes: Beisel, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Westrom, Ziemann. Nays: Beck, Carey, Hyland, McBride, Whitman, Murphy, Nelson, Porter, Storstad. Absent and not voting: Levang, Ployhar, Sikes."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

#### A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 5, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried; and providing the penalty therefor."

Senate Bill No. 22, "A Bill for an Act to amend and reenact Section 780, Compiled Laws of North Dakota for the

year 1913, relating to compensation of court stenographers." Which the House has passed unchanged.

Very respectfully,  
GEO. A. TOTTON,  
Chief Clerk.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 6, 1919.

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

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

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

Very respectfully,  
GEO. A. TOTTON,  
Chief Clerk.

Mr. Cahill moved that the Senate recess for 10 minutes, which motion prevailed and the Senate recessed.

The Senate reassembled, the President presiding.

The Senate being under the eighth order of business, Mr. Drown moved that in the committee report on Senate Bill No. 3 the words "do pass" be substituted for the words "indefinitely postponed," which motion prevailed and the report as amended was adopted.

Mr. Welford moved that the title to Senate Bill No. 33 be amended as follows:

After second word "county" in line 3 of title, insert: "and the further sum of \$35,000.00 for the construction of a bridge across the Red River at Pembina in Pembina County and Kittson County, Minnesota", and

After the figures, "1919" in line 6 of the title, strike out all the of the balance of the title; and insert in lieu thereof, "such appropriation be made from the State Highway Fund".

Thus making the full title as amended read as follows:

For an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County, in the State of North Dakota, and the further sum of \$35,000.00 for the construction of a bridge across the Red River at Pembina, Pembina County and Kittson County, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919; and such appropriations be made from the State Highway Fund.

Which motion prevailed and the title was so amended.

Mr. Welford moved that the vote by which Senate Bill No. 33 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws

of North Dakota for the year 1913, as amended by Chapter 120 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 39; nays, 3; absent and not voting, 7.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Olson, Oksendahl, Pendray, Ployhar, Ward, Weber, Wenstrom, Whitman, Zieman.

Nays—Mees, Porter, Storstad.

Absent and not voting—Carey, Haggart, Hyland, Levang, Sikes, Stenmo, Welford.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Drown moved that the rules be suspended insofar as is necessary to consider Senate Bill No. 3 properly engrossed and placed at the head of the Calendar for third reading.

Which motion prevailed and it was so ordered.

Senate Bill No. 3 was read the third time.

Mr. Jacobsen moved that it is the sense of the Senate that the hail insurance taxes be paid in the spring, which motion prevailed and the sense of the Senate was so expressed.

Mr. Cahill moved that Senators Jacobsen, Mees and Drown be named a committee to consider Senate Bill No. 3. Which motion prevailed.

Mr. Cahill moved that Senate Bill No. 3 be put at the foot of the Calendar, which motion prevailed and it was so ordered.

Mr. Welford moved that the resolution relating to flood control matters be now read for the third time, which motion prevailed and it was so ordered.

Mr. Hyland moved that in the resolution the words "fifty dollars" be stricken out and "one hundred dollars" be inserted in lieu thereof, which motion prevailed and the resolution was so amended.

#### SENATE ROLL CALL

The question being on the final passage of the Welford Flood Control Resolution, the roll was called and there were, ayes, 45; nays, 0; absent and not voting, 4.

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

Absent and not voting—Haggart, Levang, Mortenson, Sikes.

So the Resolution passed.

Mr. King moved that the vote by which Senate Bill No. 49 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign—

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

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

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

And the President signed the same in the presence of the Senate.

#### SENATE ROLL CALL

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 33; nays, 8; absent and not voting, 8.

Ayes—Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettetstad, Flekten, Fraser, Hagan, Hamerly, Hemmingsen, Ingerson, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Zieman.

Nays—Beck, Beisel, Kendall, Murphy, Nelson, Porter, Storstad, Whitman.

Absent and not voting—Haggart, Hunt, Hyland, Jacobsen, Levang, McBride, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 44 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Liederbach moved that the Bill be amended in Section 11 thereof by striking out all of Section 11, except the words, "Section 11", and inserting the following in lieu thereof: "There is hereby transferred to the State Dairy Commissioner from any moneys in the State Treasury, which now are or hereafter may be credited to the Commissioner of Immigration under Chapter 146 of the Laws of 1919, an

amount not to exceed Five Thousand Dollars (\$5,000.00) annually, or so much thereof as shall be necessary for carrying into effect the provisions of this Act.

#### SENATE ROLL CALL

Senate Bill No. 30, "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 43; nays, 0; absent and not voting, 6.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Etestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Hyland, Levang, McBride, Nelson, Ployhar, Sikes.

So the bill passed and the title was agreed to.

#### SENATE ROLL CALL

Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 42, nays 0, absent and not voting 7.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Etestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Hemmingsen, Hyland, Levang, McBride, Nelson, Ployhar, Sikes.

So the bill passed and title was agreed to.

Mr. Mostad moved that the vote by which Senate Bill No. 41 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relat-

ing to revenue and taxation and fixing the situs of personal property for tax purposes."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 39, nays 0, absent and not voting 10.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Ingerson, Kendall, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Haggart, Hunt, Hyland, Jacobsen, Levang, McBride, Mees, Nelson, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 55 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 9.

"A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 27, nays 11, absent and not voting 11.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Welford, Wenstrom.

Nays: Beck, Beisel, Carey, McBride, Mees, Murphy, Porter, Storstad, Weber, Whitman, Zieman.

Absent and not voting: Haggart, Hamerly, Hyland, Jacobsen, Kendall, Levang, Mostad, Morkrid, Nelson, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Bowman moved that the vote by which Senate Bill No. 9 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 48.

"A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for the debt limit of any county, township, city, town, school district and any other political subdivision."

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

Strike out everything after the line "Introduced by Mr. Ployhar," and insert the following:

#### CONCURRENT RESOLUTION

Amending and re-enacting Chapter 91 of the Session Laws of 1919, being a concurrent resolution to amend Section 183

of Article 12 of the Constitution of North Dakota, providing for the debt limit of any county, township, city, town, school district and any other political subdivision."

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

That the following amendment of Section 183 of Article 12 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota.

Section 1. Amendment. That Chapter 91 of the Session Laws of North Dakota for 1919, being a concurrent resolution to amend in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota, Section 183 of the Constitution of the State of North Dakota, be amended and re-enacted to read as follows:

Section 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein; provided that any incorporated city may, by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per centum limit, and a school district, by a majority vote may increase such indebtedness five per cent on such assessed value beyond said five per centum limit; (provided also that any county or city by a majority vote may issue bonds upon any revenue producing utility owned by such county or city, or for the purchasing or acquiring the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount, exclusive of the bonds upon said revenue producing utilities, whether contracted prior or subsequent to the adoption of this constitution, shall be included; provided further that any incorporated city may become indebted in any amount not exceeding four per centum of such assessed value without regard to the existing indebtedness of such city for the purpose of constructing or purchasing water-works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purposes whatever. All bonds and obligations in excess of the amount of indebtedness permitted by this Constitution, given by any city, county, township, town, school district, or any other political subdivision shall be void.

And when so amended recommend the same do pass.

THOMAS PENDRAY,  
Chairman.

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred House Bill No. 20.

"A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917, as amended by Chapter 226 of the Laws of North Dakota for

the year 1919, and all other Acts and parts of Acts in conflict with the provisions of this Act."

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

THOMAS PENDRAY,  
Chairman.

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

Mr. President: Your committee on Employment makes the following motion:

Correct the Journal of the Senate of Nov. 25th, 1919. On pages two and three strike out the words "Assistant Secretary" and insert in lieu thereof the following words "Reading Clerk." On same pages strike out the words "Desk Stenographer" and insert in lieu thereof "Desk Recorder." On the same pages strike out words "Clerk State Affairs" and insert in lieu thereof "Assistant Desk Recorder." On the same pages in lines 11 and 34 before the name C. H. Carlson strike out the word "Stenographer" and insert in lieu thereof the words "Assistant Desk Recorder." On the same pages strike out the words "Enrolling and Engrossing Clerk" and "Assisting Enrolling and Engrossing Clerk" and insert in lieu thereof "Special Clerk" and that the pay of such employees shall be \$6.00 per day from the first day of this special session and that all other Senate employees shall be paid \$5.00 per day.

Mr. McNair moved that the report be adopted.

#### SENATE ROLL CALL

The question being on the adoption of the report of the Employment Committee, the roll was called and there were ayes 31, nays 0, absent and not voting 18.

Ayes: Beck, Beisel, Beason, Berg, Bowman, Cahill, Carey, Church, Drown, Etestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Micklethun, Olson, Pendray, Stenmo, Weber, Welford, Wenstrom, Ziemann.

Absent and not voting: Haggart, Hyland, Jacobsen, Kendall, Levang, McBride, Mees, Murphy, Nelson, Noltmier, Oksendahl, Ployhar, Porter Sikes, Storstad, Ward, Whitman.

And so the report was adopted.

#### CONCURRENT RESOLUTION

For an amendment to the constitution, relating to the residence required of an elector.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the following amendment to the Constitution of the State of North Dakota be submitted to the qualified electors of the State at the next presidential primary election of the state to be held on the 3rd Tuesday of March, 1920, for approval or rejection, in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota:

AMENDMENT.) Every qualified elector who shall have resided in the state one year, and in the county ninety days,

and in the precinct 30 days next preceding any election, shall be entitled to vote at such election; provided, that where a qualified elector moves from one precinct to another within the same county, he shall be entitled to vote in the precinct from which he moved, until he establishes his residence in the precinct to which he moved.

Referred to the committee on State Affairs.

House concurrent resolution relative to payment of committee room rentals was read the first and second time and referred to the committee on State Affairs.

#### FIRSTAND SECOND READING OF HOUSE BILLS

House Bill No. 40, "A Bill for an Act to amend and reenact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

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

The courtesies of the floor were extended to E. G. Larson, Aneta, N. Dak.

Mr. Cahill moved that the Senate recess until Monday 12 O'clock M., which motion prevailed and the Senate recessed.

W. J. PRATER,  
Secretary.

#### CALENDAR FOR DECEMBER 8, 1919

Senate Bill No. 10, "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 28, "A Bill for an Act providing for the enforcement of the payment of taxes due to the state or to any taxing sub-division thereof, by the state tax commissioner; and repealing all Acts or parts of Acts in conflict therewith."

Senate Bill No. 27, "A Bill for an Act to amend and reenact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the State."

Senate Bill No. 32, "A Bill for an Act to amend and reenact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all Acts and parts of Acts in conflict herewith."

Senate Bill No. 12, "A Bill for an Act to amend and reenact Sections 7, 8 and 9, and Sub-section (e) of Section 13

of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried; and providing the penalty therefor."

House Bill No. 10, "A Bill for an Act to amend and reenact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the Executive Department of the State to cover expenses in meeting certain emergencies."

THIRTEENTH DAY AFTER RECESS AND  
FIFTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 8th, 1919.

The Senate reassembled at 12 o'clock in pursuance to recess taken, the President presiding.

The Senate returned to the eighth order of business.

Mr. Church moved that the vote by which the committee report on Senate Bill No. 28 was adopted be reconsidered, which motion prevailed.

Mr. Church moved that Senate Bill No. 28 be re-referred to the Committee on Taxes and Tax Laws, which motion prevailed.

The Senate returned to the Sixteenth order of business.

SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 28; nays, 12; absent and not voting, 9.

Ayes—Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mostad, Mor-krid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Wenstrom, Zieman.

Nays—Beck, Beisel, Carey, Hyland, Jacobsen, Kendall, Mur-phy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting—Fraser, Haggart, Levang, McBride, Mees, Mortenson, Sikes, Stenmo, Welford.

So the bill passed and the title was agreed to.

Mr. Drown moved that the vote by which House Bill No. 10 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

SENATE ROLL CALL

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

Was read the third time.

The question being on the final passage of the bill, the

roll was called and there were, ayes, 28; nays, 14; absent and not voting, 7.

Ayes—Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom.

Nays—Beck, Beisel, Carey, Hyland, Jacobsen, Kendall, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman, Zieman.

Absent and not voting—Fraser, Haggart, Levang, McBride, Mortenson, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 13 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 8th, 1919.

Mr. President: I have the honor to inform you that the House requests that you return Senate Bill No. 20 to the House.

Very respectfully,  
GEO. A. TOTTEN,  
Chief Clerk.

#### SENATE ROLL CALL

House Bill No. 39.

“A Bill for an Act to appropriate money for the expense of the executive department of the State to cover expenses in meeting certain emergencies.”

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 29, nays 13, absent and not voting 7.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: Beck, Beisel, Carey, Hyland, Jacobsen, Kendall, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Fraser, Haggart, Levang, McBride, Mortenson, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 39 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 20.

“A Bill for an Act to exempt “money” and “credits” from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and

Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all other Acts and parts of Acts in conflict with the provisions of this Act."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes 38, nays 4, absent and not voting 7.

Ayes: Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King, Liederbach, McCarten, McNair, Mees, Mostad, Morkrid, Miklethun, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Nays: Beisel, Hyland, Kendall, Murphy.

Absent and not voting: Fraser, Haggart, Levang, McBride, Mortenson, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 20 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Cahill moved that Senate Bill No. 20 be returned to the House pursuant to the request of the House, which motion prevailed.

The Senate returned to the Seventh order of business.

#### REPORT OF SELECT COMMITTEE

The Select committee of the Senate to which was referred Senate Bill No. 3, made the following report:

That Senate Bill No. 3 be amended as follows:

In line 6 of the printed bill after the word levied strike out the words "and one-half thereof" and insert in lieu thereof the following: "the full amount of the hail tax both flat and indemnity and one-half of the remaining real estate taxes."

Also strike out the word "September" in lines 13 and 14 of the printed bill and insert in lieu thereof the word "October."

H. P. JACOBSEN,  
CHAS. E. DROWN,  
F. W. MEES.

Mr. Jacobsen moved that Senate Bill No. 3 with the report of the Select committee be placed on the calendar, which motion prevailed.

#### REPORT OF STANDING COMMITTEES

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred "A Concurrent resolution relating to a proposed amendment to the Constitution relating to the residence required of an elector."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred "A Concurrent Resolution introduced by Mr. Whipple relating to the payment of rental for committee rooms."

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

J. I. CAHILL,  
Chairman.

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

Mr. Pendray moved that the report of the Committee on Taxes and Tax Laws on Senate Bill No. 48 be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 53, "A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

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

J. I. CAHILL,  
Chairman.

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

The committee on Insurance made the following report:

Mr. President: Your committee on Insurance to whom was referred Senate Bill No. 54, "A Bill for an Act to amend Sections 3, 6 and Section 12 of Chapter 157, entitled exchange of reciprocal or inter-insurance contracts, Session Laws of North Dakota for year 1919."

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

WALTER WELFORD,  
Chairman.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 30, "A Bill for an Act for the purpose of

encouraging and promoting the dairy industry of the State; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

And find the same correctly re-engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 32, "A Bill for an Act to amend and reenact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all Acts and parts of Acts in conflict herewith."

Senate Bill No. 28, "A Bill for an Act providing for the enforcement of the payment of taxes due to the state or to any taxing sub-division thereof, by the state tax commissioner; and repealing all Acts or parts of Acts in conflict therewith."

Senate Bill No. 33. "For an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County, in the State of North Dakota, and the further sum of \$35,000.00 for the construction of a bridge across the Red River at Pembina, Pembina County and Kittsen County, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919; and such appropriations be made from the State Highway Fund."

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 5, "A Bill for an Act to amend and reenact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same; defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this Act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all Acts and parts of Acts in conflict therewith."

Senate Bill No. 10, "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North

Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 12, "A Bill for an Act to amend and reenact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Senate Bill No. 27, "A Bill for an Act to amend and reenact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The Senate returned to the thirteenth order of business.

#### SENATE ROLL CALL

Senate Bill No. 10, "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 43; nays, 0; absent and not voting, 6.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Mortenson, Mostad, Mor-krid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Fraser, Haggart, Levang, McCarten, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 10 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 27, "A Bill for an Act to amend and reenact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 41; nays, 1; absent and not voting, 7.

Ayes—Beck, Beisel, Benson, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Kendall, King, Liederbach,

Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays—Jacobsen.

Absent and not voting—Berg, Hyland, Levang, McBride, McCarten, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. Jacobsen: I wish to explain my vote. On account of the question of the constitutionality of Section 4 of the amended bill, I vote "no."

Mr. Church moved that Senator Berg's name be placed at the head of Senate Bill No. 36 with that of Mr. Ettestad's, which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the State."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 44; nays, 0; absent and not voting, 5.

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

Absent and not voting—Haggart, Levang, McCarten, Mees, Sikes.

So the bill passed and the title was agreed to.

#### SENATE ROLL CALL

Senate Bill No. 32, "A Bill for an Act to amend and reenact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all Acts or parts of Acts in conflict herewith."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 41; nays, 1; absent and not voting, 7.

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

Nays—Ettestad.

Absent and not voting—Haggart, Hyland, King, Levang, McCarten, Noltimier, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bills No. 32, 27 and 36 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 12, "A Bill for an Act to amend and reenact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 44; nays, 0; absent and not voting, 5.

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

Absent and not voting—Levang, McCarten, Nelson, Sikes, Whitman.

So the bill passed and the title was agreed to.

Mr. Welford moved that the vote by which Senate Bill No. 12 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Drown introduced the following Resolution:

#### A JOINT RESOLUTION

Authorizing and empowering the Railroad Commissioners to investigate the price of gasoline in this State and the alleged discrimination of the Standard Oil Company against residents of this State.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That

WHEREAS, the Standard Oil Company of Indiana is alleged to be engaged in discriminating against residents of the State of North Dakota in the sale of gasoline, and

WHEREAS, the said Standard Oil Company is alleged to be charging an unfair price in this State for gasoline, therefore,

BE IT RESOLVED, that the Railroad Commissioners of this State be and they are hereby authorized and empowered to investigate the practices of the Standard Oil Company with reference to discrimination against residents of this State in the matter of fixing prices for gasoline, and that the Board of Railroad Commissioners report the results of such investigation to the next general session of the Legislative Assembly of this State.

Mr. Cahill moved that the Resolution be adopted,

The roll was called, and there were, ayes, 43; nays, 0; absent and not voting, 6.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Wellford, Wenstrom, Ziemann.

Absent and not voting—Drown, Levang, McCarten, Nelson, Sikes, Whitman.

So the Resolution was adopted.

Mr. Nelson offered the following resolution:

WHEREAS, the funds belonging to the Old Soldiers' Home at Lisbon have heretofore been under the immediate supervision of the Board of Trustees of that institution and in the hands of the Treasurer thereof, and,

WHEREAS, the greatest economy has been practiced and the highest degree of care has been exercised by the old soldiers in the management of their institution and the preservation of their funds, and

WHEREAS, the old soldiers have been deeply grieved by the transfer of their funds to the Bank of North Dakota, and,

WHEREAS, they are now in their declining years and will not much longer remain with us and are entitled to the highest degree of consideration by the State of North Dakota,

BE IT THEREFORE RESOLVED BY THE SENATE OF NORTH DAKOTA: that the Industrial Commission is hereby requested to direct the funds belonging to that institution to be returned to the Treasurer thereof as heretofore, and,

BE IT FURTHER RESOLVED: that a copy of this resolution be by the Secretary of the Senate, transmitted to each member of the Industrial Commission and to the Manager of the Bank of North Dakota.

Mr. Carey moved the adoption of the Resolution.

Mr. Bowman moved that the Resolution be referred to the Committee on State Affairs, which motion prevailed.

Mr. Wenstrom moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate reassembled, the President presiding.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment have examined the following bills:

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State."

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

Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this State to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign,

House Bill No. 42.

"A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of the State of North Dakota for 1919 relating to Workmen's Compensation Fund."

House Bill No. 21.

"A Bill for an Act to amend Sections eight (8) and thirteen (13) of Chapter ninety seven (97) of the Laws of 1917 as amended by Section two (2) of Chapter 99 of the Laws of 1919."

**House Bill No. 36.**

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

**House Bill No. 51.**

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

**Senate Bill No. 40.**

"A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties and the membership thereof."

**Senate Bill No. 31.**

"A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

**Senate Bill No. 26.**

"A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

**Senate Bill No. 22.**

"A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

**Senate Bill No. 19.**

"A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in Banks within the State."

**Senate Bill No. 13.**

"A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

**Senate Bill No. 4.**

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

And the President signed the same in the presence of the Senate.

Mr. Cahill moved that the rules be suspended in so far as is necessary to consider Senate Bill Nos. 48 and 53 properly engrossed and placed on third reading immediately, which motion prevailed.

## SENATE ROLL CALL

Senate Bill No. 48.

"A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota, providing for the debt limit of any county, township, city, town, school district and any other political subdivision."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 42, nays 0, absent and not voting 7.

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

Absent and not voting: Bowman, Fraser, Levang, Mostad, Pendray, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which Senate Bill No. 48 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## SENATE ROLL CALL

Senate Bill No. 53, "A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 41; nays, 0; absent and not voting, 8.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Porter, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Fraser, Levang, McCarten, Mortenson, Mostad, Pendray, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 53 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Cahill moved that the Senate do now adjourn, which motion prevailed.

## FIFTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 8th, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer was offered by the Chaplain, Rev. Postlethwaite.

The roll was called and the following Senators were present:

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

The committee on Revision and Correction of the Journal made the following report:

Mr. President: Your committee on Revision and Correction of the Journal have carefully examined the Journal of the Twelfth Day After Recess and Thirteenth Day, and recommend that the same be corrected as follows:

On page 5, line 19, strike out the figures, "\$250,000", and insert in lieu thereof the figures, "\$260,000"; on page 6, line 36, correct the spelling of the word, "penalties"; on page 10, line 12, after the word, "Act", insert the title of Senate Bill No. 58; in line 21, insert the title of Senate Bill No. 58; on page 11, strike out lines 33, 34, 35, and 36; on page 14, line 35, change the word, "taking", to "taxing"; on page 15, line 8, insert the title of Senate Bill No. 58; on page 29, line 43, correct the spelling of the word, "Kittson"; on page 30, line 27, strike out the name, "Jackson", and insert in lieu thereof the name, "Jacobsen"; after line 32, insert the following: "which motion prevailed"; in line 54, show Mortenson and Sikes absent and not voting; on page 32, in the Senate Roll Call on Senate Bill No. 41, show Levang absent and not voting; on page 33, in the Senate Roll Call on Senate Bill No. 55, show Levang and Nelson absent and not voting; on page 35, on the Senate Roll Call on the Committee of Employment report, show Porter absent and not voting; on page 35, strike out the last two lines, and insert in lieu thereof "First and Second Reading of House Bills" shown on page 36; on page 36, strike out the "First and Second Reading of House Bills" and insert before the first line the following: "The courtesies of the floor were extended to E. G. Larson, Aneta, N. Dak."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Fairdale, N. Dak., Dec. 4, 1919.

Senator Porter, Bismarck, N. D.

Dear Sir: The women of Cavalier county are counting on you to help save our moral laws. We ask you to use

your vote and influence to keep for us the laws we have, to preserve the Sabbath, and to safeguard our young people from the dangers of the cigarette. We are sure you will not fail us.

Yours sincerely,  
Elizabeth C. Beasley,

Mrs. Frank Beasley,  
Fairdale, N. D.

Rec. Sec. N. D. W. C. T. U.

Cooperstown, N. D., Dec. 5th, 1919.

Hon. J. L. Miklethun,  
Bismarck, N. Dak.

Please oppose repeal pool hall inspection law.—W. H. Butler and Bros.

Leeds, N. D., Dec. 6, 1919.

Hon. W. J. Church,  
Care of Senate Chambers,  
Bismarck, N. Dak.

We demand the complete removal at once from our public schools and State libraries all Free Love, Socialistic and anarchistic books and ask you to use your best effort in removing Mr. C. E. Stangeland, State Librarian. Also to return all the powers formerly held by State Superintendent to Miss Minnie Nielson at this session.—H. Pilingsrud, S. Sanders, T. O. Chantland, Directors Leeds School District No. 6.

Bottineau, N. D., Dec. 2, 1919.

Hon. A. M. Hagen,  
Bismarck, N. Dak.

The undersigned ask the Senate to vote against Senate Bill 52 by Haggart, opening Sunday theatres and against repeal of cigarette law. Kindly present to Senate.—M. L. Hellgerson, Mayor of Bottineau, W. R. McIntosh, Mary Carey, President Third District, Flora Burr, Supt. Sabbath Observance, H. C. Dana, County Treasurer Chairman County Committee, Geo. Sid, Comr. Ralph Walker, Comr. S. M. Nichols, Nels I. Dokken, Clerk Court, J. J. Weeks, State's Attorney.

Leeds, N. D., Dec. 6, 1919.

Senator W. J. Church,  
Bismarck, N. Dak.

We demand at once the complete removal from all public schools and state libraries all Free Love, Socialist and Anarchist books, and demand that all powers formerly held by State Superintendent be returned to Miss Nielson at this session.—Mrs. E. B. Page, War Mother; Mrs. J. E. Conway, Secretary.

Mr. Welford moved that the committee report on Senate Bill No. 54 be adopted, which motion prevailed and the report was adopted.

Mr. Drown moved the following amendment to Senate Bill No. 3:

In line 6 of the printed bill, after the word "levied" strike out the words and "one-half thereof" and insert in lieu thereof the following: "the full amount of the hail tax, both flat

and indemnity and one-half the remaining real estate taxes."

Also strike out the word "September" in lines 13 and 14 of the printed bill and insert in lieu thereof the word "October."

Which motion prevailed.

Mr. Church moved that Senate Bill No. 3 be amended as follows:

Strike out Section 2 after the figure 2 and insert the following in lieu thereof:

"This Act shall not become effective until Dec. 1st, 1920."

Which motion was lost.

#### SENATE ROLL CALL

Senate Bill No. 3, "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 40; nays, 6; absent and not voting, 3.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Jacobsen, Kendall, King, Liederbach, McBride, McNair, Mees, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Porter, Storstad, Ward, Welford, Wenstrom, Whitman, Zieman.

Nays—Hyland, Ingerson, McCarten, Mortenson, Stenmo, Weber.

Absent and not voting—Levang, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. Zieman moved that the vote by which Senate Bill No. 3 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

The Concurrent Resolution relating to a proposed amendment to the Constitution, relating to the residence required of an elector, was read the third time. The question being on the final passage of the Resolution, the roll was called and there were, ayes, 43; nays, 3; absent and not voting, 3.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Ployhar, Porter, Stenmo, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays—Haggart, Jacobsen, Storstad.

Absent and not voting—Levang, Pendray, Sikes.

So the Resolution passed and the title was agreed to.

Mr. Cahill moved that the vote by which the Resolution passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## SENATE ROLL CALL

The House Concurrent Resolution relating to the payment of committee rooms rental was read the third time.

The question being on the final passage of the Resolution, the roll was called and there were, ayes, 41; nays, 5; absent and not voting, 3.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Ployhar, Stenmo, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Nays—Fleckten, Mees, Nelson, Porter, Storstad.

Absent and not voting—Levang, Pendray, Sikes.

So the Resolution passed and the title was agreed to.

Mr. Cahill moved that the vote by which the Concurrent Resolution passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Mees: I ask to explain my vote. I have been informed that this particular Bill was drafted to take care of a situation that has been considered very carefully by the State Auditing Board a number of times; that certain parties that are particularly interested in this matter have presented a bill which the State Auditing Board considers too high and extravagant for the use of committee rooms during the regular session, and that the bill has not been allowed for the reason they considered the bill was too high, and I fail to see why the responsibility should be placed upon this body to pass upon a matter which they have not investigated and have not the data, and something that the State Auditing Board refused to consider at the figure at which the bill was introduced. Therefore I vote "no."

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 8th, 1919.

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

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

House Bill No. 16, "A Bill for an Act to amend and reenact Chapter 199 of the Session Laws of 1919 of the State of North Dakota relative to consolidation of schools and transportation of pupils."

House Bill No. 19, "A Bill for an Act to provide for joint ownership and use of public building and grounds by villages and townships."

House Bill No. 54.

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

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

Very respectfully,  
GEO. A. TOTTEN, Jr.,  
Chief Clerk.

#### FIRST AND SECOND READING OF HOUSE BILLS

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

House Bill No. 16, "A Bill for an Act to amend and reenact Chapter 199 of the Session Laws of 1919 of the State of North Dakota relative to consolidation of schools and transportation of pupils."

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

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

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

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

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

The President appointed as a conference committee on House Bill No. 48, Messrs. Olson, McNair and Fraser.

Mr. Cahill moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate reassembled, the President presiding.

#### A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
Bismarck, North, Dakota,  
December 8, 1919.

Mr. President: I have the honor to return herewith the following bills :

Senate Bill No. 14, "A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

Senate Bill No. 57, "A Bill for an Act appropriating the sum of Five Thousand Dollars for the relief of Alice Bixby."

Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regarding expenses of district judges by making an appropriation therefor."

Senate Bill No. 35. "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Which the House has passed unchanged.

Very respectfully,  
GEO. A. TOTTEN, Jr.,

Chief Clerk.

HOUSE CHAMBER,  
Bismarck, North, Dakota,  
December 8, 1919.

Mr. President: I have the honor to return herewith the following bills :

Senate Bill No. 11, "A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried; and providing the penalty therefor."

Which the House has passed.

Very respectfully,  
GEO. A. TOTTEN, Jr.,

Chief Clerk.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred,

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

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

J. I. CAHILL,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred,

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

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

J. I. CAHILL,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred,

House Bill No. 54.

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

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

J. I. CAHILL,  
Chairman.

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

The Conference committee on House Bill No. 48 made the following report:

Mr. President: Your committee on Conference to whom was referred House Bill No. 48.

"A Joint Resolution creating a joint investigation committee; defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

Have had the same under consideration and recommend

that the Senate recede from its amendment.

Your Conference committee further recommend that Section 8 be amended as follows:

Strike out section 8 and insert in lieu thereof the following:  
Section 8. There is hereby set aside out of any money appropriated for the expenses of the Legislative Assembly, the sum of \$25,000 for the purpose of carrying out the provisions of this resolution, which shall be paid to the chairman of such committee and by him deposited in the Bank of North Dakota and the expenses of the committee paid therefrom on orders signed by the chairman and approved by the committee. The chairman shall furnish bond in the State Bonding Department in the sum of \$27,500.

And further recommend that the title be amended as follows:

After the word "therefor" at the end of title strike out the period and insert a semi-colon, then add the words "and providing for bonds."

And when so amended recommend the same do pass.

H. H. McNAIR,  
Chairman,  
R. F. FRASER,  
O. H. OLSON,  
Senate Committee.  
F. A. HOARE,  
J. J. O'CONNOR,  
E. E. BRYANS,  
House Committee.

Mr. McNair moved that the report be adopted. Which motion prevailed and the report was adopted.

### SENATE ROLL CALL

#### House Bill No. 48.

"A Joint Resolution creating an investigating committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examinations to the governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 30, nays 13, absent and not voting 6.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Etestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Ward, Wetzel, Welford, Wenschen, Zorn.

Navs: Beck, Beisel, Carey, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Porter, Stenmo, Storstad, Whitman.  
Absent and not voting: Haggart, Hyland, Levang, Pendrey, Proyhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Bowman moved that the vote by which House Bill No. 48 passed, be reconsidered and the motion to reconsider be

laid on the table. Which motion prevailed.

The committee on Banks and Banking made the following report:

Mr. President: Your committee on Banks and Banking to whom was referred House Bill No. 40.

"A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

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

E. A. BOWMAN,  
Chairman.

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

The courtesies of the floor were extended to Mr. Ed. Swanson, Makoti, N. D.

Mr. Wenstrom moved that the Senate recess until the hour of 12 o'clock M. tomorrow, which motion prevailed and the Senate recessed.

W. J. PRATER,  
Secretary.

FIFTEENTH DAY AFTER RECESS AND  
SIXTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9th, 1919.

The Senate reassembled at 12 o'clock M., pursuant to recess taken, the President presiding.

Mr. Mostad moved that the Senate do now adjourn, which motion prevailed.

SIXTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9th, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer was offered by the Chaplain, Rev. Quigley.

The roll was called and the following Senators were present:

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 8, "A Bill for an Act to provide interest and sinking funds on bonds issued against public utilities."

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

J. I. CAHILL,  
Chairman.

The committee on Highways made the following report:

Mr. President: Your committee on Highways to whom was referred House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys; prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof."

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

C. D. KING,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 16, "A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

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

Line 22, page 2 of the printed bill, insert after the word "expense" the words "by public conveyance".

In line 24 after the word "school" insert the following: "it shall be in the discretion of the school board to furnish or not to furnish transportation."

In line 31, strike out the words "where acceptable to the family" and insert in lieu thereof the following: "in such cases where the transportation by public conveyance can only be furnished at excessive cost as established by the courts" and after the word "furnished" insert the word "either".

In line 33, strike out the word "fifty" and insert in lieu thereof the word "twenty-five".

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred the Nelson Resolution.

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

On page 9 of the Journal in the 18th line of the Nelson Resolution, after the word "requested", strike out all of the balance of line 18 and line 19 and insert in lieu thereof the following: "to investigate the advisability of returning the funds belonging to that institution to the treasurer thereof as heretofore, and".

And when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 3, "A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913 relating to real estate taxes due and delinquent, and penalty and interest thereon."

And find the same correctly re-engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 48.

"Concurrent Resolution amending and reenacting Chapter 91 of the Session Laws of 1919, being a concurrent resolution to amend Section 183 of Article 12 of the Constitution of North Dakota, providing for the debt limit of any county, township, city, town, school district and any other political subdivision."

Senate Bill No. 53.

"A Bill for an Act to amended and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

And find the same correctly engrossed.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 11.

"A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of Licensed Architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Senate Bill No. 37.

"A Bill for an Act to provide an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of District Judges, by making an appropriation therefor."

Senate Bill No. 57.

"A Bill for an Act appropriating the sum of five thousand dollars for the relief of Alice Bixby."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

And find the same correctly re-enrolled.

A. G. STORSTAD,  
Chairman.

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign Senate Bill No. 11.

"A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58. Laws of North Dakota. 1917, relating to registration of Licensed Architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Senate Bill No. 37.

"A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of District Judges, by making an appropriation therefor."

Senate Bill No. 57.

"A Bill for an Act appropriating the sum of five thousand dollars for the relief of Alice Bixby."

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the

manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

And the President signed the same in the presence of the Senate.

Mr. McNair moved that the committee report on House Bill No. 35 be adopted, which motion prevailed and the report was adopted.

#### RESOLUTIONS AND COMMUNICATIONS

Watford City, N. D.,

December 8, 1919.

Senator Mortenson of Williams County,  
Bismarck, N. D.

We urge you to reconsider the salary bill for county officers. The measure is justified and we ask your support.

#### COUNTY OFFICERS OF MCKENZIE COUNTY.

Leeds, N. D., Dec. 8, 1919.

Senator W. J. Church,  
Bismarck, N. D.

The Women's Progressive Club of Leeds demand the removal of all free love radical socialistic and anarchistic books from the state public and school libraries and the removal of Mr. Stangeland as state librarian.

MRS. I. B. LARSON,

Vice President.

MRS. DAVE COWAN,

Secretary.

#### CONCURRENT RESOLUTION

Introduced by Thorwald Mostad.

BE IT RESOLVED by the Senate, the House of Representatives concurring, recognizing and commending the splendid service President Woodrow Wilson rendered to his Country and to all mankind, through his wise and untiring labors, as a member of the World's greatest Peace Conference at Versailles, we regret that his health and physical strength became exhausted and broken before the work of this great Conference became ratified by the Senate of the United States, in the interest of the Liberty, Peace, and Welfare of the World; we ask a speedy ratification of the Peace Treaty, with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the Covenant of the League of Nations. The honor of our Arms, and our devotion to the principles of Democracy demand that our word of honor and good intentions be thus vindicated without further delay.

BE IT FURTHER RESOLVED, That the Secretary of State send a copy of these Resolutions to President Woodrow Wilson, and to each Senator and member of Congress from North Dakota:

Referred to the committee on State Affairs.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 45; nays, 0; absent and not voting, 4.

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

Absent and not voting—Fraser, Hyland, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 19 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Ettestad moved that the following amendment to House Bill 21 offered by Mr. Drown be adopted:

In line 42 on page 4 of the Printed Bill strike out the period at the end of the line and insert a semi-colon and add the following: Provided further that when it shall be made to appear to the Adjutant General that any such returned soldier shall have deserted his wife or minor children and when no divorce shall have been granted, then the amount to which such returned soldier shall be entitled under the provisions of this Act shall be paid to such wife or minor children.

Mr. Jacobsen moved that the word "shall" after the word "act" in next to last line be stricken out and the word "may" be inserted in lieu thereof.

Which motion prevailed.

The question being on the motion to adopt the amendment offered by Mr. Drown, the motion prevailed, and House Bill No. 2 was so amended.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 46; nays, 0; absent and not voting, 3.

Ayes—Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart,

Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting—Hyland, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 2 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes, 30; nays, 16; absent and not voting, 3.

Ayes—Benson, Berg, Bowman, Cahill, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom.

Nays—Beck, Beisel, Carey, Haggart, Jacobsen, Kendall, McBride, Mees, Mostad, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman, Zieman.

Absent and not voting—Hyland, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Drown moved that the vote by which House Bill No. 54 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were, ayes, 43; nays, 3; absent and not voting, 3.

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

Nays—Carey, Nelson, Storstad.

Absent and not voting—Hyland, Levang, Sikés.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 40 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Cahill moved that the rules be suspended insofar as is necessary to adopt the committee report and place House Bills Nos. 16 and 41 on third reading and final passage, which motion prevailed.

Mr. Miklethun offered the following amendment to House Bill No. 16: In Section 1 of the printed bill, line 32, after the word "then" strike out the word "fifty" and insert in lieu thereof the word "twenty", and moved its adoption.

The question being on the motion offered by Mr. Miklethun, the motion was lost.

Mr. Ingerson moved to strike out the amendments to House Bill No. 16 offered by the committee that have changed this law so that it is put back virtually on the proposition of a year ago, and so that it will leave the bill to read as the printed bill now reads, without amendment, which motion prevailed.

Mr. Wenstrom moved that the bill be re-referred to committee on State Affairs.

Mr. Ployhar moved as an amendment that the bill be referred to the committee on Education, which motion prevailed.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 23, "A Bill for an Act to amend and reenact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota, relating to apportionment of state aid funds to rural schools, their inspection and administration; and to repeal all Acts and parts of Acts in conflict therewith."

Which the House has amended.

Very respectfully,

GEO. A. TOTTEN, Jr.,  
Chief Clerk.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

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

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

House Bill No. 9, "A Bill for an Act to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk-hire, special agents, traveling expenses, printing, and 1921 license tags."

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all Acts and parts of Acts in conflict herewith."

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

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

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

Very respectfully,

GEO. A. TOTTON, Jr.,  
Chief Clerk.

#### SENATE ROLL CALL

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

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 43; nays, 0; absent and not voting, 6.

Ayes—Beck, Beisel, Benson, Berg, Cahill, Carey, Church, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Absent and not voting—Bowman, Drown, Haggart, Hyland, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. King moved that the vote by which House Bill No. 41 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties." Was read the first and second time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 9, "A Bill for an Act to appropriate forty-one thousand eight hundred and sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk-hire, special agents, traveling expenses, printing, and 1921 license tags." Was read first and second times, referred to committee on appropriations.

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all Acts and parts of Acts in conflict herewith." Was read first and second time, referred to committee on State Affairs.

House Bill No. 38, "A Bill for an Act appropriating the sum of \$6,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of the State Printer." Was read first and second times, referred to Committee on Appropriations.

House Bill No. 44, "A Bill for an Act to amend and re-enact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the General Budget Appropriations." Was read first and second times, referred to Committee on Appropriations.

Mr. King moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate convened pursuant to recess taken.

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

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

House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith and declaring an emergency."

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter-

fat; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith, and declaring an emergency."

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

House Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

House Bill No. 59, "A Bill for an Act remitting the amount of state taxes for the year 1919."

House Bill No. 60.

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

Very respectfully,

GEO. A. TOTTEN, Jr.,  
Chief Clerk.

#### FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith and declaring an emergency."

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

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter-fat; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith, and declaring an emergency."

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

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Sec-

tion 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

House Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

House Bill No. 59, "A Bill for an Act remitting the amount of state taxes for the year 1919."

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

House Bill No. 60. "An Act Declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect."

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

Mr. Cahill moved that the Senate now recess subject to the call of the Chair, which motion prevailed.

The Senate convened pursuant to recess taken, the President presiding.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 177 of the laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all Acts and parts of Acts in conflict herewith."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred the Mostad Resolution.

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

J. I. CAHILL,  
Chairman.

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

Mr. Wenstrom moved that the Senate recess till 12 o'clock M. tomorrow, which motion prevailed and the Senate took a recess.

W. J. PRATER,  
Secretary.

SIXTEENTH DAY AFTER RECESS AND  
SEVENTEENTH DAYSENATE CHAMBER,  
Bismarck, North Dakota,  
December 10, 1919.

The Senate reassembled at 12 o'clock M., pursuant to recess taken.

## A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 10, 1919.

Mr. President: I have the honor to inform you that the House requests that the Senate return Senate Bill No. 23, which was messaged to the Senate without a roll call by the House.

Very respectfully,  
GEO. A. TOTTEN, Jr.,  
Chief Clerk.

Mr. Cahill moved that the Senate return Senate Bill No. 23 as requested by the House, which motion prevailed.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

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

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

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

House Bill No. 40, "A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school

district treasurers to file a copy of their annual report with the Bank of North Dakota."

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies."

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

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

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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

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

And the President signed the same in the presence of the Senate.

HOUSE CHAMBER,

Bismarck, N. D.,

December 10, 1919.

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

House Bill No. 7, "A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

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

Very respectfully,

GEO. A. TOTTEN, Jr.,

Chief Clerk.

#### FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 7, "A Bill for an Act to amend and re-enact

Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

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

HOUSE CHAMBER,  
Bismarck, North Dakota,  
December 10, 1919.

Mr. President: I have the honor to return Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Which the House has amended as follows:

Strike out in Section 7, lines 10 and 11, the words "and the provisions of Section 7 of the Bank Act shall not apply thereto."

Very respectfully,  
GEO. A. TOTTEN, Jr.,  
Chief Clerk,

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 38, "A Bill for an Act to appropriate the sum of \$5,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items or office expenses for the State Publication and Printing Commission, and the office of the State Printer."

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

R. McCARTEN,  
Chairman.

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

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 9, "A Bill for an Act to appropriate thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk hire, special agents, traveling expenses, printing, and 1921 license tags."

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

R. McCARTEN,  
Chairman.

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

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

R. McCARTEN,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom

House Bill No. 4. "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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

J. I. CAHILL,  
Chairman.

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

The committee on Education made the following report:

Mr. President: Your committee on Education to whom was referred House Bill No. 16, "A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

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

Strike out everything after the word, "Bill", and insert in lieu thereof the following:

For an Act to amend and re-enact Section 1190 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 199 of the Session Laws for 1919, relating to the consolidation of schools and transportation of pupils.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1.—(Amendment.) That Section 1190 of the Compiled Laws for 1913, as amended by Chapter 199 of the Session Laws for 1919 be amended and re-enacted to read as follows:

Section 1190.—(Consolidation of Schools and Transportation of Pupils.) The district school board may call, and if petitioned by one-third of the voters in the district shall call an election to determine the question:

(1) "To consolidate two or more schools or the territory usually served by two or more schools and select a site and provide a suitable building," or

(2) "To select a school already established and, if necessary, make suitable additions thereto to accommodate the pupils of the schools to be vacated."

Said election shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school elections. If a majority of the votes cast at such an election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter. In the event of carrying out either proposal prior to or after the passage of this Act, it shall be the duty of the board to provide for the transportation of the pupils at public expense to and from the consolidated school, except to those pupils living less than one and one-half miles from such school; and it shall also be the duty of the board, if deemed expedient, to move to the site selected school houses already built or to sell such school houses. Provided, that transportation may be furnished either by the use of public conveyances or by allowing to each family as compensation a sum of not less than twenty cents nor more than one dollar and fifty cents per school day of attendance, such compensation to be equitably based upon the distance traveled and the number of children transported. Provided, further, that the sum total of expenses to a district for transportation shall not be greater where the family system of payment is used than would be the case under a system of public conveyances. Provided, also, that in case a patron is dissatisfied with the arrangement made by the school board with regard to the transportation of his children, he may appeal to the county superintendent of schools, whose decision, after proper notice and hearing, shall be final and binding upon the board.

Section 2.—(Emergency.) This Act is hereby declared to be an emergency measure and shall be in effect and be in operation on and after its passage and approval.

And when so amended recommend the same do pass.

ALBERT STENMO,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred the Mostad Resolution.

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

J. I. CAHILL,  
Chairman.

Mr. Cahill moved that the Resolution be amended to read as follows:

BE IT RESOLVED by the Senate, the House of Representatives concurring, recognizing and commending the splendid service President Wilson rendered to his country and to all mankind through his untiring efforts as a statesman to secure world peace, we regret that his health and physical strength became exhausted before his work for peace of the world was completed.

We ask a speedy ratification of the Peace Treaty with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the Covenant of the League of Nations. The honor of our Arms and our devotion to the principles of Democracy demand that Congress take action to bring about peace to a war-weary world at the very earliest date possible.

BE IT FURTHER RESOLVED, That the Secretary of State send a copy of these Resolutions to President Woodrow Wilson, and to each Senator and member of Congress from North Dakota.

Which motion prevailed.

#### SENATE ROLL CALL

Was read the third time.

The question being on the adoption of the Mostad Resolution, as amended, the roll was called and there were, ayes, 40; nays, 1; absent and not voting, 8.

Ayes—Beck, Beisel, Berg, Bowman, Cahill, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Kendall, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Storstad, Ward, Weber, Wenstrom, Whitman, Zieman.

Nays—Stenmo.

Absent and not voting—Benson, Haggart, Hyland, Levang, McBride, Mees, Sikes, Welford.

So the Resolution passed.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred Senate Bill No. 38, "A Bill for a Concurrent Resolution amending the constitution of the State of North Dakota by changing the debt limit thereof and providing for issuing and guaranteeing bonds by the state, and provid-

ing that bonds issued or guaranteed by the state in excess of two million dollars shall be secured by first mortgages on certain classes of property, and providing that the state may issue bonds to build, maintain and repair highways.

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

J. I. CAHILL,  
Chairman.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith and declaring an emergency."

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

Strike out line 21 of the Printed Bill and insert in lieu thereof the following: "Refectory building \$45,000.00 and \$90,000.00".

Change the total by striking out the figures "128,065" and inserting in lieu thereof the figures "\$210,565."

And when so amended recommend the same do pass.

R. McCARTEN,  
Chairman.

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 56.

House Bill No. 56. "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

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

J. I. CAHILL,  
Chairman.

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

The committee on State Affairs make the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 60.

House Bill No. 60, "An Act declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect."

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

J. I. CAHILL,  
Chairman.

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

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of the Thirteenth Day after Recess and Fifteenth Day and recommend that the same be corrected as follows:

On page 2, line 29, after the name "Geo. A. Totten," insert the word "Jr." On page 4, line 16, change the word "room" to "rooms." On page 5 insert the correct title for Senate Bill No. 33; in line 43, change the word "taking" to "taxing." On page 10, strike out lines 9, 10, 11, 12, and 13; in line 21, strike out the letter "a" and insert in lieu thereof the word "as;" in line 35 following the word "Chairman," ad "Mr. Storstad moved that the report be adopted, which motion prevailed and the report was adopted." On page 15, strike out the first line; strike out the word "that" in the second line. On page 16, line 38, strike out the word "as" and insert in lieu thereof the word "at." On page 17 insert correct title for House Bill No. 54; in line 22, after the name "Geo. A. Totten," insert the word "Jr." On page 17, after the titles of House Bills Nos. 2, 16, 19, and 54, respectively, insert the following: "Was read the first and second time, and referred to the Committee on State Affairs." On page 19, insert the correct title for House Bill No. 54. On page 20, line 33, after the word "adopted" insert the following: "which motion prevailed and the report was adopted." In the Senate Roll Call on House Bill No. 48, show 30 ayes, 6 absent and not voting, and show Wenstrom voting aye; strike out the name "Wenstrom" in the second last line on page 20. On page 21, line 19, correct the spelling of the name "Makoti."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

Mr. McCarten moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

Mr. Cahill moved that the Senate concur in the House amendment to Senate Bill No. 44, which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure."

Was read the third time.

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes 31, nays 6, absent and not voting 12.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Mortenson, Mostad, Morkrid, Miklethun, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom, Zieman.

Nays: McBride, Mees, Murphy, Porter, Storstad, Whitman.

Absent and not voting: Church, Drown, Haggart, Hyland, Levang, Liederbach, McCarten, McNair, Ployhar, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. McCarten moved that Rules 40 and 41 in so far as they relate to reports of Standing Committees recommending indefinite postponement or amendments of bills being laid over until the next legislative day, be suspended for the remainder of the session, which motion prevailed.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 44.

"A Bill for an Act to amend and re-enact sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing sub-divisions Numbers 19, 24, and 26 of Chapter 16 of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

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

In Section 1, strike out the figures "\$2,051,333.02." and insert in lieu thereof the figures "\$2,054,833.02."

Sub-division No. 7.

After the word "Postage," strike out the figures "100" and "200" and insert in lieu thereof the figures "500" and "1000."

After the item "Bookkeeper and Warrant Writer" insert the following: "Stenographer, \$1,200      \$2,400."

Strike out that part of the Sub-division reading "Items not included above, (Expense for printing and compiling reports of the State Board of Equalization) 200      400."

In the total strike out the figures "\$23,400" and insert in lieu thereof the figures "\$26,200."

Sub-division No. 8.

After the word "Postage" strike out the figures "250" and "500" and insert in lieu thereof the figures, "500" and "1000."

In the total strike out the figures "\$40,250" and insert in lieu thereof the figures "\$40,750."

Sub-division No. 11.

In the item, "Salary Assistant Attorneys General" strike

out the figures "6,000" and "12,000" and insert in lieu thereof the figures "9,250" and "15,250."

After the word "Postage" strike out the figures "150" and "300" and insert in lieu thereof the figures "250" and "500."

In the total strike out the figures "\$30,235.53" and insert in lieu thereof the figures "\$33,685.53."

Sub-division No. 6.

After the word "Postage" strike out the figures "1,500" and "3,000" and insert in lieu thereof the figures "2,750" and "5,500."

After the words "Printing and Lithographing" strike out the figures "1,500" and "3,000" and insert in lieu thereof the figures "2,000" and "4,000."

In the total strike out the figures "\$33,700" and insert in lieu thereof the figures "\$37,200."

Sub-division No. 18.

After the word "Postage" strike out the figures "300" and "600" and insert in lieu thereof the figures "750" and "1,500."

After the item "Postage" insert the following: "Expense for printing and compiling reports of the State Board of Equalization \$200 \$400."

After the item "Emergency Fund to be used only in complying with the new laws, other than the regular budget," strike out the figures "10,000" and "20,000" and insert in lieu thereof the figures "17,500" and "35,000."

Sub-division No. 25.

After the words "Traveling Expense—Services and expenses of agents of Live Stock Sanitary Board" strike out the figures "6,000" and "12,000" and insert in lieu thereof the figures "9,000" and "18,000."

In the total strike out the figures "\$22,110" and insert in lieu thereof the figures "\$28,110."

Sub-division No. 46.

After the words "Mileage and per Diem" strike out the figures "57,000" and insert in lieu thereof the figures "80,000."

Making the items "Printing and "Miscellaneous, Expenses and Supplies" one item.

Strike out after the word "Printing" the figures "25,000" and after the words "Miscellaneous expenses and supplies" the figures "32,000" and insert after the new item "Printing, Miscellaneous Expenses and Supplies," the figures "34,000."

And when so amended recommend the same do pass.

R. McCARTEN,  
Chairman.

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

The committee on State Affairs made the following report:

Mr. President: Your committee on State Affairs to whom was referred House Bill No. 7.

"A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and

inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

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

In Section 6, as amended in the House, strike out the words "State Treasurer shall" and insert in lieu thereof "State Sheriff may," and when so amended recommend the same do pass.

J. I. CAHILL,  
Chairman.

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

Mr. Cahill moved that the Committee report on Senate Bill No. 38 be adopted, which motion prevailed and the report was adopted.

Mr. McCarten moved that the Committee report on House Bill No. 55 be adopted, which motion prevailed and the report was adopted.

Mr. McCarten moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

#### SEVENTEENTH DAY

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 10, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer was offered by the Chaplain, Rev. Alfson.

The roll was called and the following Senators were present:

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

#### PETITIONS AND COMMUNICATIONS

Minot, N. D., Dec. 9, 1919.

Carroll King,  
Senate Chamber,  
Bismarck, N. D.

North Dakota Good Roads Association in session today asks passage of Senate Bill No. 38 and amending Bill No. 5 so as to provide for 15 mills instead of 5 mills. Committee leaves tonight for Bismarck to lay matter before legislature.

OLAF LOKANSKARD,  
Chairman.  
GEO. C. REEDER,  
Secretary.

#### SENATE ROLL CALL

House, Bill No. 4. "A Bill for an Act to amend and re-enact

Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 43, nays 0, absent and not voting 6.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, Leiderbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Weber, Wellford, Wenstrom, Whitman, Zieman.

Absent and not voting: Haggart, King, Levang, Hyland, Sikes, Ward.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 4 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 9.

House Bill No. 9. "A Bill for an Act to appropriate thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, clerk hire, special agents, traveling expenses, printing, and 1921 license tags."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 42, nays 0, absent and not voting 7.

Ayes: Beck, Beisel, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Ingerson, Jacobsen, Kendall, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Wellford, Wenstrom, Whitman, Zieman.

Absent and not voting: Bowman, Haggart, Hunt, Hyland, King, Levang, Sikes.

So the bill passed and the title was agreed to.

#### SENATE ROLL CALL

House Bill No. 38.

"A Bill for an Act appropriating the sum of \$5,000.00 to provide clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission and the office of the State Printer."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 37, nays 5, absent and not voting 7.

Ayes: Beisel, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Stenmo, Ward, Weber, Welford, Wenstrom, Ziemann.

Nays: Beck, Mees, Porter, Storstad, Whitman.

Absent and not voting: Bowman, Hagan, Haggart, Hyland, King, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 38 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 56.

"A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 41, nays 3, absent and not voting 5.

Ayes: Beck, Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Nays: Beisel, Carey, Storstad.

Absent and not voting: Haggart, Hyland, King, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 56 passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## SENATE ROLL CALL

House Bill No. 58.

"A Bill for an Act making appropriation for the salary of the secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 41, nays, 1, absent and not voting 7.

Ayes: Beck, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hunt, Ingerson, Jacobsen, Kendall, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Nays: Beisel.

Absent and not voting: Bowman, Haggart, Hemmingsen, Hyland, King, Levang, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 58 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

## SENATE ROLL CALL

House Bill No. 60, "An Act declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 29, nays 12, absent and not voting 8.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Fleckten, Fraser, Hagan, Hamerly, Hunt, Ingerson, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom, Ziemann.

Nays: Beck, Beisel, Carey, Jacobsen, Kendall, Mees, Murphy, Nelson, Ployhar, Porter, Storstad, Whitman.

Absent and not voting: Ettestad, Haggart, Hemmingsen, Hyland, King, Levang, McBride, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 60 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Bowman moved that House Bill No. 7 be made a special order of business for 5 o'clock P. M., which motion prevailed.

## SENATE ROLL CALL

House Bill No. 55.

"A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 38, nays 0, absent and not voting 11.

Ayes: Beck, Benson, Berg, Cahill, Carey, Church, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltmier, Olson, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Absent and not voting: Beisel, Drown, Haggart, Hyland, Levang, Mees, Oksendahl, Pendray, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 55 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Church moved to amend House Bill No. 16 by striking out in Section 1 the following: "he may appeal to the county superintendent of schools whose decision," and insert in lieu thereof the following: "he may apply to the school board for a board of arbitration consisting of one selected by the patron, one selected by the school board and another chosen by the two already selected, the school district to pay all costs thereof, said cost not to exceed three dollars per diem per member of said arbitration board. The decision of said arbitration board," which motion prevailed.

Mr. Ingerson moved that the title to House Bill No. 16 be amended as follows: Strike out the period at the end thereof, insert in a comma in lieu thereof and add the following: "and providing for a board of arbitration," which motion prevailed.

## SENATE ROLL CALL

House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 37, nays 0, absent and not voting 12.

Ayes: Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Ettestad, Fleckten, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Kendall, King, Liederbach, McBride, McNair, Mortenson, Mostad, Morkrid, Murphy, Nelson, Oksendahl, Olson.

Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Beisel, Drown, Fraser, Haggart, Hyland, Jacobsen, Levang, McCarten, Mees, Miklethun, Noltimier, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 16 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Church moved to amend House Bill No. 44 as follows:

In sub-division 12, Department of Education under the heading Clerkhire, strike out the word Stenographers and the figures 1800 and 3000, and insert in lieu the words, Two stenographers and the figures 2400 4800. Also at the foot strike out the figures 31,950 and insert in lieu thereof the figures 33,750, which motion prevailed.

Mr. Cahill moved to amend House Bill No. 44 as follows:

In Section 3, strike out the word "two" before the word heading Clerk hire, strike out the word Stenographers and stenographers and insert in lieu thereof the word "four." Strike out the figures 3000 and 6000 and substitute the figures 6,000 and 12,000, and make the total of sub-division 73,300 instead of 67,300, which motion prevailed.

Mr. Church moved that the general total in section 1 be changed from \$2,054,833.02 to \$2,062,633.02, which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 44.

"A Bill for an Act to amend and re-enact sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing sub-divisions Numbers 19, 24 and 26 of Chapter 16, of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 35, nays 7, absent and not voting 7.

Ayes: Beisel, Benson, Berg, Bowman, Cahill, Church, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Stenmo, Ward, Weber, Welford,, Wenstrom, Whitman, Zieman.

Nays: Beck, Carey, Mees, Nelson, Ployhar, Porter, Storstad.

Absent and not voting: Drown, Haggart, Hyland, Levang, Pendray, Sikes.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 44 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Beck: I wish to explain my vote. I vote "no" because

I believe the cuts made will materially reduce the efficiency of several State Departments.

Mr. Mees: I cannot support this bill for the reason that I believe the cuts that have been made in some departments here are absolutely unjust, uncalled for and unreasonable. I do not feel that this body has the right or authority to authorize these cuts. I believe in maintaining the highest efficiency in our State Departments and some of these cuts will absolutely prohibit the efficient functioning of the State Departments affected. I vote "no."

The Senate returned to the Eighth order of business.

#### CONCURRENT RESOLUTIONS

(Introduced by Mr. Hunt.)

WHEREAS, under the provisions of Section 89, Compiled Laws of North Dakota, 1913, the Secretary of State is required to publish a popular edition of the Session Laws, and

WHEREAS, the laws enacted at this Special Session of the Sixteenth Legislative Assembly will require a comparatively small book, making it possible to publish the authenticated edition of such laws within a comparatively short space of time, thereby eliminating the necessity of a popular edition, and

WHEREAS, the publication of such popular edition would appear to be an unnecessary expense,

THEREFORE, BE IS RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring therein, the popular edition of the laws passed by this Special Session of the Sixteenth Legislative Assembly, in extraordinary session assembled, be not printed and further resolved that the authenticated laws of the Special Session of the Sixteenth Legislative Assembly be printed in style similar to that of authenticated edition of the session laws for the regular session of this Sixteenth Legislative Assembly, except that same be wire-stitched and paper covered, quality and weight of cover paper similar to that now used for departmental reports.

Mr. Hunt moved that the resolution be adopted.

The roll was called and there were ayes 40, nays 0, absent and not voting 9.

Ayes: Beck, Beisel, Benson, Bowman, Cahill, Carey, Church, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Morkrid, Micklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whiteman, Zieman.

Absent and not voting: Berg, Drown, Haggart, Hyland, Levang, Mostad, Pendray, Ployhar, Sikes.

So the resolution passed and the title was agreed to.

Mr. Hunt moved that the vote by which Resolution passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### CONCURRENT RESOLUTION

(Introduced by Mr. Hunt.)

WHEREAS, the permanent journals of the House and Sen-

ate for this Special Session of the Sixteenth Legislative Assembly will be comparatively small, and

WHEREAS, The binding required by law for said journals is of such quality and it would seem of greater expense than necessary for the binding of the journals for this Special Session of the Sixteenth Legislative Assembly on account of brevity of said journals,

THEREFORE, BE IT RESOLVED, By the Senate of North Dakota, the House of Representatives, concurring therein, that the permanent journals of this Special Session of the Sixteenth Legislative Assembly be wire-stitched and paper-bound, quality and weight of cover paper to be similar to that now used for printing of departmental reports, with the exception that fifty of the said volumes of the journals of the Senate and House of Representatives be bound in half-sheet binding, to be used for purposes of distribution to the various state officials entitled to the same and to the permanent public libraries of the state and that 1500 copies be printed.

Mr. Hunt moved that the resolution be adopted.

#### SENATE ROLL CALL

The roll was called and there were ayes 39, nays 0, absent and not voting 10.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Cahill, Carey, Church, Ettestad, Fleckten, Fraser, Hagan, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltmier, Oksendahl, Olson, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zie-man.

Absent and not voting: Drown, Haggart, Hamerly, Hyland, Levang, McBride, Nelson, Pendray, Ployhar, Sikes.

So the resolution passed and the title was agreed to.

Mr. Hunt moved that the vote by which Resolution passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SPECIAL ORDERS

Mr. Bowman moved that House Bill No. 7 be put on third reading and final passage, which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 7.

"A Bill for an Act to amend and re-enact Section 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 29, nays 10, absent and not voting 10.

Ayes: Benson, Berg, Bowman, Cahill, Church, Ettestad, Fleckten, Fraser, Hagan, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid,

Mikieithun, Noltimier, Oksendahl, Olson, Pendray, Stenmo, Ward, Weber, Welford, Wenstrom.

Nays: Beck, Beisel, Carey, Kendall, McBride, Mees, Murphy, Porter, Storstad, Whitman.

Absent and not voting: Drown, Haggart, Hamerly, Hyland, Jacobsen, Levang, Nelson, Ployhar, Sikes, Ziemann.

So the bill passed and the title was agreed to.

Mr. Cahill moved that the vote by which House Bill No. 7 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

The Senate returned to the Sixth order of business.

The committee on Appropriations made the following report:

Mr. President: Your committee on Appropriations to whom was referred House Bill No. 57.

"A Bill for an Act making appropriation for the maintenance, improvements, and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

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

In line 37 of Section 1 of Section 1 of the Printed Bill, strike out the words "Main Buildings" and insert in lieu thereof the words, "Little Boys' Building;" in line 38 of the same Section, strike out the words " and chapel;" after lines 37, 38, 39 and 40 of the same section, strike out the figures "100,000" and insert in lieu thereof the figures "110,000;" on page 3 of the Printed Bill in Section 1 of Section 1, line 65, strike out the figures " \$208,960" and insert in lieu thereof the figures "\$218,960."

And when so amended recommend the same do pass.

R. McCARTEN,  
Chairman.

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

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

Mr. President: Your committee on Taxes and Tax Laws to whom was referred House Bill No. 17.

"A Bill for an Act providing for the appointment of Tax Supervisor, fees, their salaries, and term of office and defining their powers and duties and repealing Chapter 219 of the Laws of North Dakota for the year 1919."

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

THOMAS PENDRAY,  
Chairman.

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

Mr. McCarten moved that the rules be suspended and House

Bills No. 57 and No. 17 be placed on third reading and final passage, which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 57.

"A Bill for an Act making appropriations for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 35, nays 0, absent and not voting 14.

Ayes: Beck, Beisel, Benson, Berg, Cahill, Carey, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Noltimier, Oksendahl, Olson, Pendray, Porter, Storstad, Welford, Wenstrom, Whitman.

Absent and not voting: Bowman, Church, Drown, Ettetstad, Haggart, Hyland, Levang, Nelson, Ployhar, Sikes, Stenmo, Ward, Weber, Zieman.

So the ball passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 57 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SENATE ROLL CALL

House Bill No. 17.

"A Bill for an Act providing for the appointment of Tax Supervisors, fees, their salaries and term of office and defining their powers and duties and repealing Chapter 219 of the Laws of North Dakota for the year 1919."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 26, nays 10, absent and not voting 13.

Ayes: Benson, Berg, Cahill, Church, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, King, Liederbach, McCarten, McNair, Mortenson, Mostad, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Welford, Wenstrom, Zieman.

Nays: Beck, Carey, Jacobsen, Kendall, McBride, Mees, Murphy, Porter, Storstad, Whitman.

Absent and not voting: Beisel, Bowman, Drown, Ettetstad, Haggart, Hyland, Levang, Nelson, Ployhar, Sikes, Stenmo, Ward, Weber.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 17 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Cahill moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

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

Mr. President: Your committee on revision and correction of the journal have carefully examined the Journal of the Fifteenth Day after Recess and Sixteenth Day and recommend that the same be corrected as follows:

On page 2, strike out lines 31 and 32; in line 55 of the same page, change the figures "1915" to "1913." On page 3, strike out line 48. On page 7, strike out the words "as amended" in lines 21 and 22. On page 8, line 21, strike out the word "sub." On page 9, insert the words "Senate Roll Call" after line 31. On page 10, after the title of House Bill No. 17, insert the following: "Was read the first and second time, and referred to the Committee on Taxes and Tax Laws;" after the title of House Bill No. 9, insert the following: "Was read the first and second time, and referred to the Committee on Appropriations;" after the title of House Bill No. 4 insert: "Was read the first and second time, and referred to the Committee on State Affairs;" after the titles of House Bills Nos. 38 and 34 respectively, insert the following: "Was read the first and second time, and referred to the Committee on Appropriations;" in line 33, strike out the word "subject" and insert in lieu thereof the word "pursuant." On page 12, after line 17, insert the title of House Bill No. 60, after which insert the following: "Was read the first and second time, and referred to the Committee on State Affairs."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

State of North Dakota,  
OFFICE OF THE GOVERNOR  
BISMARCK

December 10, 1919.

To the Members of the Senate:

You are hereby informed that I have approved and filed with the Secretary of State, Senate Bill No. 1, A Joint Resolution Ratifying a proposed amendment to the Constitution of the United States.

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

Also Senate Bill No. 29, An Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said Section shall be complied with, relating to furnishing shelter to employees of common carriers.

Also Senate Bill No. 4, An Act to repeal Chapter 67 of the Session Laws of North Dakota for the year 1919, same being an act entitled "An Act providing for the appointment of

Special Assistant Attorneys General, by the Attorney General, and designating the fund out of which the compensation of such assistant attorneys general may be paid."

Also Senate Bill No. 13, An Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general.

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

Also Senate Bill No. 40, An Act to amend and re-enact Section 375 of the Compiled Laws State of North Dakota for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Boards, its duties and the membership thereof.

Very respectfully,

LYNN J. FRAZIER,  
Governor.

Mr. King moved that the Senate recess until 12 o'clock M. tomorrow, which motion prevailed.

W. J. PRATER,  
Secretary.

SEVENTEENTH DAY AFTER RECESS AND  
EIGHTEENTH DAY.SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

The Senate reassembled at 12 o'clock, noon, pursuant to recess taken, the President presiding.

## A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 10.

"A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 12.

"A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Sessions Laws of North Dakota, 1919, relating to income taxes."

Senate Bill No. 32.

"A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight, and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies and repealing all acts and parts of acts in conflict herewith."

Senate Bill No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Senate Bill No. 27.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

## Senate Bill No. 34.

"A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; Defining the scope and manner of its operation and the powers and duties of the persons charged with its management; Making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

Which the House has passed unchanged.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return

## Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration. And to Repeal all Acts and Parts of Acts in Conflict Therewith."

Which the House has amended as follows:

In line 27 of the printed bill strike out the word "five" and insert in lieu thereof the word "four." In the same line strike out the word "eight" and insert in lieu thereof "seven." In line 29 strike out the word "eight" and insert in lieu thereof "seven." Also in line 66 strike out the word "five" and insert in lieu thereof the word "four." Strike out the word "eight" in the same line and insert in lieu thereof the word "seven." In line 68 strike out the word "eight" and insert in lieu thereof the word "seven."

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return Senate Bill No. 3.

"A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Which the House has amended as follows:

Strike out all of Section 2 relating to the emergency clause and put in lieu thereof "Section 2, This act shall take effect and be in force from and after December 1st, 1920."

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

Senate Bill No. 9.

"A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled laws of North Dakota, 1913, relating to absent voters."

Senate Bill No. 30.

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of dairy associations; and making appropriation therefor."

Which the House has passed.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

Mr. Church moved that the Senate do concur in the House amendments to Senate Bill No. 3, which motion was lost.

Mr. Drown moved that a conference committee be appointed to confer with a like committee from the House on the House amendments to Senate Bill No. 3, which motion prevailed, and the Chair appointed Messrs. Drown, Church and Mostad as such committee.

Mr. Stenmo moved that the Senate do concur in the House amendments to Senate Bill No. 23, which motion prevailed.

SENATE ROLL CALL

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Section 1445 and 1446 of the Session Laws of 1917 for North Dakota, relating to Apportionment of State Aid Funds to Rural Schools, their inspection and administration, and to repeal all Acts and parts of Acts in conflict therewith. "

Was read the third time.

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes 38, nays 0, absent and not voting 11.

Ayes: Beck, Beisel, Benson, Berg, Carey, Church, Drown, Fleckten, Hagan, Haggart, Hamerly, Hemmingsen, Hunt-Ingerson, Jacobsen, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Morkrid, Miklethun, Murphy, Nelson, Noltmier, Oksendahl, Olson, Ployhar, Porter, Stenmo, Storstad, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Bowman, Cahill, Ettestad, Fraser, Hyland, Kendall, Levang, Mostad, Pendray, Sikes, Ward.

So the bill passed and the title was agreed to.

The Senate returned to the Eighth order of business.

#### MOTIONS AND RESOLUTIONS

Mr. King presented the following resolution.

#### REPORT OF LEGISLATIVE AND RESOLUTIONS COMMITTEE N. D. GOOD ROADS ASSOCIATION, DEC. 9, 1919.

BE IT RESOLVED, that your committee recommends that the North Dakota Good Roads Association endorse Senate Bill No. 38, introduced by Senator A. A. Liederbach, the same being a concurrent resolution amending Section 182, Article 12 of the Constitution of the State of North Dakota, so as to enable the State to issue bonds in any amount not exceeding \$50,000,000, to build, maintain and repair highways within the State; that the members of the Senate and House of Representatives of the special session now assembled at Bismarck, be and are hereby earnestly requested and urged to use any honorable effort for the passage of Senate Bill No. 38, at this time. And be it Further

RESOLVED, That the Assembly now in session amend Senate Bill No. 5, introduced by Mr. King, so as to read 15 mills instead of 5 mills in line 11, section 6, and that articles 2 of section 11 be amended in the 8th line to read \$300,000 instead of \$150,000 per annum, and that articles 3 and 4 of article 11 be so amended so as to provide ample funds for obtaining, equipping and operating the war department trucks allotted to the state of North Dakota for use on the State Highways, and for the purpose of providing adequate maintenance under the supervision of the State Highway Commission of the State highway system, and the bill be further amended so as to provide that the balance of the money, if any, be available for use as state aid for construction and maintenance for state highways and for the payment of interest on road bonds and the retirement of state road bonds.

Respectfully Submitted:

Legislative Committee

R. J. Gardiner

P. D. Podhola

C. A. Johnson

I certify the above a true copy of the signed report submitted to the assembled North Dakota Good Roads Association at Minot on December 9, 1919 and by the assembled North Dakota Good Roads Association unanimously adopted.

KNUT CHRISTENSON.

Authorized Delegate.

December 11, 1919.

State of North Dakota.  
County of Burleigh.....

Subscribed to before me, a Notary Public, in and for Burleigh county, North Dakota, this 11th day of December, 1919.

HAROLD J. WRIGHT.

Notary Public, Burleigh County,  
N. Dak. My Comm. Exp. June 1, 1925.

#### A CONCURRENT RESOLUTION

Requesting the Resignation of William Langer from the Office of Attorney General.

WHEREAS, William Langer, because of his promises to support the program of the farmers of this state, was elected Attorney General and his campaign expenses paid by their post-dated checks, and

WHEREAS, the said William Langer, since his election has:

1. Betrayed the farmers of this state;
2. Declared their post-dated checks to be of no greater value than twenty-five cents on the dollar;
3. Unlawfully attempted to wreck the Scandinavian-American Bank and all other banks friendly to the farmers of this state;
4. Admitted under oath that he resorted to trickery and deception in his attempt to wreck the Scandinavian-American Bank;
5. Stated under oath that he believed State Bank Examiner Lofthus to be dishonest and then stated that he was without any knowledge or information upon which to base such a belief;
6. Published an interview in the public press charging the Governor of this State and the Judges of the Supreme Court with being crooks and conspirators;
7. Encouraged expensive, trivial and meddlesome litigation among several departments of the state by advising Carl Kositzky to examine the Bank of North Dakota—when the law plainly provides that such examination shall be made by the State Bank Examiner—and advising the said Carl Kositzky to make an unlawful depletion of the state funds for political purposes, and advising the said Carl Kositzky that all warrants drawn on the Workmen's Compensation Fund should be drawn by said Kositzky—when the law definitely provides that warrants shall be drawn by the Workmen's Compensation Bureau—and also advising the State Treasurer to the same effect, contrary to law; and by permitting his assistants to express doubt as to the validity of the bonds issued by the state for the purpose of carrying out the industrial program. That all of said claims have been held illegal by actions in the state and federal courts.
8. Attempted, during the recent referendum campaign, to defeat the laws passed by the farmers legislature, all of which laws had been approved by him during the session of the legislature. None of them had at any time during the session of the legislature been criticised by him, and the printing law which he was particularly active in opposing was drawn by him, and this bill met with his earnest and active support until it was amended in such a way as to

deprive him of the power of selecting the legal publications provided for by the act.

9. Aided and approved the circulation by the Independent Voters Association of a false and fictitious "Free Love Law," tending to disgrace the honor and virtue of every man and woman of this state, which they maliciously and falsely claimed was introduced with the approval of the farmers in the Legislative Body, but which was in reality introduced by a renegade and a traitor to the organized farmers, for the purpose of discrediting the Farmers' Organization and which law was promptly and effectually rejected and condemned by the Farmers' Organization as soon as it came to their knowledge:

10. Secured an appropriation of \$99,000 from the Farmers' Legislature by stating that: "I will defend your laws until Hell freezes over," which money he is now squandering in an endeavor to defeat the laws passed by the Farmers' Legislature and approved by the majority vote of the people of this state;

11. Neglected to properly represent the state in the Standard Oil Tax case, which the records of the Federal Court show was defended and won by attorneys employed by the Farmers' Organization of the state; and has failed to recover the money due the state from various bonding companies notwithstanding the fact that the same has been pending for several years. Has permitted grain brokers to indulge in the practice of short weighing, without making any effort to prosecute. And brought a sham and fictitious action against the Elevator Trust for political purposes, which the parties interested in now admit to be a faked law suit:

12. Collected \$36,000 under the pool hall license law and spent \$16,000 in making the collection by appointing political favorites to positions of profit for the purpose of building a personal political machine:

13. Aided the Minneapolis Chamber of Commerce in opposing the laws of the Organized Farmers of this State;

14. Sent his Deputy, Frank Packard, to the State of Montana for the purpose of making false and slanderous speeches about the program of the Farmers' Organization of North Dakota. Used his office to prosecute his political opponents and protect his political followers in their open and flagrant violation of law and order, and

WHEREAS, there is at the present time no method provided by law for the recall of an incompetent or unfaithful public servant, which condition, however, the Farmers' Legislature have endeavored to remedy by submitting to the electors of this state a constitutional provision for the recall of all appointive or elective officers of this state, which will be voted upon at the next general election,

THEREFORE, BE IT RESOLVED THAT WE, THE SENATE OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN.

Do hereby request that the said William Langer immediately

resign the office of Attorney General of the State of North Dakota.

Mr. Liederbach moved that the resolution be adopted.

Mr. Jacobsen moved that further consideration of the resolution be indefinitely postponed and all reference thereto be expunged from the record which motion was lost.

The question being on the motion to adopt the concurrent resolution introduced by Mr. Liederbach.

The roll was called and there were ayes 29, nays 16, absent and not voting 4.

Ayes: Benson, Berg, Bowman, Cahill, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Hameriy, Hemmingsen, Hunt, Ingerson, King, Liéderbach, McCarten, McNair, Mortenson, Morkrid, Miklethun, Noltimier, Oksendahl, Olson, Pendray, Ward, Weber, Welford, Wenstrom.

Nays: Beck, Beisel, Carey, Haggart, Jacobsen, Kendall, McBride, Mees, Murphy, Nelson, Ployhar, Porter, Stenmo, Storstad, Whitman, Ziemann.

Absent and not voting: Hyland, Levang, Mostad, Sikes.

So the resolution passed.

Mr. Wenstrom moved that the vote by which the concurrent resolution passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Mees moved that all absent Senators be excused, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign

House Bill No. 4.

"A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith."

House Bill No. 5 "A Bill for an Act to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, clerkhire, special agents, traveling expenses, printing, and 1921 license tags."

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

House Bill No. 38, "A Bill for an Act appropriating the sum of \$6,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for use of the State Printer."  
the State Publication and Printing Commission, and the of-

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919 relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith, and declaring an emergency."

House Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

House Bill No. 60, "An Act declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect."

The President signed the same in the presence of the Senate.

Mr. Bowman moved that the President appoint a committee of three to interview the State Auditor in regard to the issuance of warrants for mileage and per diem which motion prevailed and the President appointed as such committee—Messrs Liederbach, Mortenson and Noltmier.

Mr. Benson moved that the Senate recess subject to the call of the chair which motion prevailed.

The Senate re-assembled the President presiding.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to inform you that the House requests that you return Senate Bill No. 30 for further consideration.

Very respectfully,  
GEO. A. TOTTON, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Which the House has amended as follows:

In Section 1 after the words Section 4925 strike out the balance of said section and insert in lieu thereof the following: Section 4925, Authority of foreign or domestic company revoked, how. If the commissioner of insurance is of opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, or if it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination, or to perform any legal obligation in relation thereto or if a life insurance company, that its actual funds, exclusive of its capital, are less than its liabilities he shall revoke or suspend all certificates of authority granted to it or to its agents, and shall cause notifications thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall thereafter be done by it or its agents in this state while such default or disability continues, nor until its authority to do business is restored by the commissioner; provided, further, that if any insurance corporation organized under the laws of any other state or country and having been authorized to transact business in this state, shall remove or make application to remove into any court of the United States any action or proceeding begun in any court of this state upon a claim or cause of action arising out of any business or transaction done in this state, or upon any contract made, executed or to be performed herein, the commissioner of insurance shall revoke all certificates of authority granted to such insurance, corporation, or to its agents, and shall cause notification thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall hereafter be done by it or its agents in this state until after the expiration of three years from the date of such last publication. Provided, however, that the commissioner of insurance may after a hearing and for good and sufficient cause, cancel or revoke such suspension and re-instate any such company. If upon examination he is of the opinion that any domestic insurance company is insolvent, or has its seat exceeded its power or has failed to comply with any provisions of law, or that its conditions are such as to render its further proceedings hazardous to the public or its policy holders, he shall apply to the district court of the county in which the principle office of the company is located to issue an injunction restraining it in whole or in part from further proceeding with its business. The court or judge, may in its discretion, issue an injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual and make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company, and to settle its affairs according to the course of proceedings in equity.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 48.

"A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political subdivision."

Senate Bill No. 49.

"A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 36.

"A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 51.

"A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

Senate Bill No. 53.

"A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 56.

"A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Which the House has passed unchanged.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return Senate Bill No. 42.

"A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Which the House has amended as follows:

In the last line of the title strike out "\$25,000.00" and insert in lieu thereof "\$75,000.00" and in line three of Sec. 1, strike out "\$25,000.00" and insert in lieu thereof "\$75,000.00."

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

Which the House has passed.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

Mr. Liederbach moved that the Senate refuse to comply with the request of the House to return Senate Bill No. 30, which motion prevailed.

Mr. Wenstrom moved that the Senate concur in the House Amendments to Senate Bill No. 42, which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Com-

mission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Was read the third time.

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes 27, nays 8, absent and not voting 14.

Ayes: Benson, Berg, Bowman, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Jacobsen, Liederbach, McBride, Mortenson, Morkrid, Miklethun, Noltmier, Oksendahl, Olson, Stenmo, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Nays: Beck, Beisel, Kendall, Mees, Murphy, Nelson, Porter, Storstad.

Absent and not voting: Cahill, Carey, Church, Drown, Hyland, Ingerson, King, Levang, McCarten, McNair, Mostad, Prndray, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which Senate Bill No. 42 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

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

Mr. President: Your committee on Taxes and Tax Laws to whom you referred House Bill No. 59.

"A Bill for an Act, remitting and reducing the amount of state taxes levied for the General Fund for the year 1919.

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

On line 8 of the engrossed bill, strike out the words "upon demand."

And, when so amended recommend the same do pass.

**THOMAS PRNDRAY,**

Chairman.

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

Mr. Ingerson moved that the Senate do now adjourn, which motion prevailed and the Senate adjourned.

#### EIGHTEENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

The Senate assembled at 2 o'clock P. M., the President presiding.

Prayer was offered by the Chaplain, Rev. Geo. Buzelle.

The roll was called and the following Senators were present:

Beck, Beisel, Benson, Berg, Bowman, Cahill, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltmier, Oksendahl, Olson,

Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

#### PETITIONS AND COMMUNICATIONS

Whereas there have been repeated attacks from the opposition, by members of the Legislature public speakers of the I. V. A. and the daily press that represents them, stating as well as insinuating that the Nonpartisan League advocates Free Love and believe in teaching the same to our children. Whereas, in as much as the League has not adopted the platform of the Socialist, Anarchist, I. W. W. or any other party,

Therefore be it resolved that we, the mothers, wives and sisters of the members of the Nonpartisan League and representatives of the Woman's Auxiliary of the Nonpartisan League throughout the state, condemn and declare against the aforesaid statement and insinuations as unmanly, unjust and untruthful, and Whereas we consider same to be a personal insult and crime against the motherhood of North Dakota. Therefore, we denounce them for spreading these despicable, deceitful statements even as a political propaganda.

#### Signed

Mrs. S. W. Johnson, Colgate, N. Dak.  
 Mrs. A. A. Liederbach, Killdeer, Dunn Co.  
 Aldyth Ward, Bismarck, Burleigh Co.  
 Mrs. Chas. E. Drown, Page Cass Co.  
 Mrs. L. D. Bailey, Moffit, Burleigh Co.  
 Mrs. J. I. Cahill, Leith, Grant Co.  
 Mrs. Wm. Kamrath, Leith, Grant Co.  
 Mrs. Victoria Stucke, Burleigh Co.  
 Mrs. J. N. Peters, Voltaire, N. D., McHenry County, N. D.  
 Mrs. F. C. Hanson, Bismarck, N. D., Burleigh Co.  
 Mrs. E. E. Bryans, Voltaire, McHenry Co.  
 Agnes D. Stucke, M. D., Garrison, McLean Co.  
 Myrtle Patterson, Donnybrook, Ward Co., N. D.  
 Mrs. H. J. Young, Douglas, Ward Co., N. D.  
 Mrs. O. W. King.  
 Mrs. E. F. Wood, Ward Co.  
 Mrs. Stephen Terhorst, Donnybrook, Ward Co.  
 Mrs. Frank Prater, Arena, Burleigh Co.  
 Mrs. Carroll D. King, Menoken, N. D.  
 Mrs. R. L. Fraser, McLean Co., N. D.  
 J. I. Cahill, Leith, Grant County, N. D.

Mr. Wenstrom moved that all absent Senators be excused, which motion prevailed.

Mr. King moved that Senate do concur to the House Amendments to Senate Bill No. 50, which motion prevailed.

#### SENATE ROLL CALL

Senate Bill No. 50, "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Was read the third time.

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes 31, nays 0, absent and not voting 18.

Ayes: Beck, Beise, Benson, Berg, Bowman, Ettestad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Inger-

son, Jacobsen, Kendall, King, Mees, Morkrid, Miklethun, Oksendahl, Olson, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Absent and not voting: Cahill, Carey, Church, Drown, Haggart, Hyland, Levang, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Murphy, Nelson, Noltmier, Pendray, Ployhar, Sikes.

So the bill passed and the title was agreed to.

Mr. Mees moved to further amend House Bill No. 59 as follows: where the word "25 per cent" appears amend same so as to read "50 per cent" which motion was lost.

#### SENATE ROLL CALL

House Bill No. 59, "A Bill for an Act remitting the amount of state taxes for the year 1919."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 39, nays 0, absent and not voting 10.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Carey, Church, Drown, Etestad, Flekten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Jacobsen, Kendall, King, McBride, McCarten, McNair, Mees, Mostad, Morkrid, Miklethun, Murphy, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Ziemann.

Absent and not voting: Cahill, Haggart, Hyland, Ingerson, Levang, Liederbach, Mortenson, Nelson, Noltmier, Sikes.

So the bill passed and the title was agreed to.

Mr. Wenstrom moved that the vote by which House Bill No. 59 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Wenstrom moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

Mr. Liederbach moved a call of the Senate which motion was sustained.

Mr. Bowman moved that the call be suspended which motion prevailed.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North

Dakota, 1917, and all acts and parts of acts in conflict therewith."

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

Mr. Storstad moved that the report be adopted, which mo-

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

The President signed the same in the presence of the Senate.

#### CONCURRENT RESOLUTION

Introduced by Mr. McCarten.

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

That twelve o'clock midnight of this Legislative Day be the time fixed for adjournment of the Special Session of the Legislative Assembly.

Mr. McCarten moved that the resolution be adopted which motion prevailed.

Mr. Bowman moved that the Auditor be instructed by the Senate to immediately issue warrants to pay the mileage and per diem of this Special Session, which motion prevailed.

Mr. Liederbach moved that the select committee accompanied by the sergeant at arms present the Resolution fixing the time of adjournment and if the auditor does not immediately agree to draw the warrant he shall be brought before the bar of the Senate which motion prevailed and the President appointed the same select committee—Messrs Liederbach, Noltmier and Mortenson to wait upon the Auditor.

MR. LIEDERBACH: Mr. President, your committee is ready to report. I went down to Mr. Kositzky's office and found him at the elevator. I told him that I had a resolution from the Senate to read to him, and he says "I don't want to know a damn thing about your resolution," and he refused to listen. He started off to his office and I called to him to come back. I told him we had orders for him to take some action. He says: "Who do you think you are? Jesus Christ?" So I followed him up and took him by the arm and of course he attacked me, and he and I kissed one another on the floor for a little while. This is the way the resolution looks (exhibits resolution). And I want to say there were at least fifteen men there who pulled me first by one leg and then by the other and then by one arm and then by the other—and he is now in his office with the door locked and a crowd there on guard. When I followed him to his office he closed the door with this threat, that if I attempted to enter I would get mine.

Mr. McCarten moved that the Sergeant at arms be furnished with a copy of the Resolution fixing the time for adjournment, and that he officially serve it upon the State Auditor, which motion prevailed.

The President instructed the sergeant at arms to proceed to the office of the State Auditor and bring Mr. Kositzky before the bar of the Senate.

The conference committee on Senate Bill No. 3 made the following report:

Mr. President: Your committee on Conference to whom was referred Senate Bill No. 3.

"A Bill for an Act to establish the semi annual payment of taxes."

Have had the same under consideration and recommend that the House recede from its Amendment to Senate Bill No. 3.

House Committee.  
E. E. BRYANS,  
Chairman  
JAMES McMANUS  
KRISTIAN HALL.  
Senate Committee.  
CHAS. E. DROWN,  
Chairman  
W. J. CHURCH  
THORWALD MOSTAD.

Mr. Wenstrom moved that the report be adopted and the report was adopted.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. President: I have the honor to return Senate Concurrent Resolution introduced by Mr. Hunt.

Which the House has amended as follows:

WHEREAS, It is important that the members of the House and Senate should be provided with a copy of the permanent bound Journals for this Special Session of the House and Senate;

BE IT THEREFORE, further resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein, that the Secretary of State be and is hereby authorized and directed to send to each member of the House and Senate, President and Secretary of the Senate and Chief Clerk of the House and to each district judge in the State, a copy of the joint House and Senate Journals and a copy of the Session Laws.

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

SENATE ROLL CALL

The question being on the final passage of the House Amendment to the concurrent resolution introduced by Mr. Hunt, the roll was called and there were ayes 41, nays 0, absent and not voting 8.

Ayes: Beck, Beisel, Benson, Berg, Bowman, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Micklethun, Murphy, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Cahill, Haggart, Hyland, Kendall, Levang, Nelson, Noltimier, Sikes.

So the resolution was adopted.

HOUSE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

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

A CONCURRENT RESOLUTION  
(Introduced by J. F. T. O'Connor.)

WHEREAS, the law imposes the duty upon the Secretary of the Senate and the Chief Clerk of the House at the close of every session, to prepare for the press and superintend the publication of the Journals of the proceedings of the respective Houses and to affix an index thereto.

THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Secretary of the Senate and the Chief Clerk of the House for such service shall be allowed seven days each at the salary provided by the law as set forth in Section 34 Compiled Laws of

1913; namely \$6.00 per day; and the Auditor is hereby instructed to draw his warrants on the State Treasurer in favor of each of said officers for said sum on proof being made that the record has been completed and the Journals indexed as above required.

BE IT FURTHER RESOLVED, that on account of the delay in printing the temporary copies of the House and Senate Journals, making it necessary for the Journal Clerk, Mr. H. R. Long, to remain over two days following the close of this session to read proofs, etc., that he be allowed pay for two days additional time in the amount of \$6.00 per day.

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

Very respectfully,  
GEO. A. TOTTEN, Jr.  
Chief Clerk.

#### SENATE ROLL CALL

The question being on the final passage House Resolution introduced by Mr. J. F. T. O'Connor relating to indexing Journals, the roll was called and there were ayes 34, nays 0, absent and not voting, 15.

Ayes: Beck, Berg, Bowman, Carey, Drown, Ettestad, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, King, Liederbach, McBride, McNair, Mees, Morkrid, Miklethun, Murphy, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent and not voting: Beisel, Benson, Cahill, Church, Fleckten, Haggart, Hyland, Kendall, Levang, McCarten, Mortenson, Mostad, Nelson, Noltimier, Sikes.

So the resolution was adopted.

House Chamber,  
Bismarck, N. D., Dec. 11, 1919.

Mr. President: I have the honor to inform you that the House refuses to concur in the Senate amendment to House Bill 55, and has appointed Rep. Maddock of Benson, Johnson of Steele, Byrne as a conference committee to meet with a like committee from the Senate.

Very respectfully,  
Geo. A. Totten, Jr.  
Chief Clerk.

The chair appointed as a conference committee on House Bill No. 55, Messrs. Welford, Pendray and Ettestad.

House Chamber,  
Bismarck, Dec. 11, 1919.

Mr. President: I have the honor to inform you that the House has concurred in the Senate Concurrent Resolution fixing the time for adjournment of both Houses.

Very respectfully,  
Geo. A. Totten, Jr.  
Chief Clerk.

Mr. Kositzky accompanied by the Sergeant at Arms appeared in the Senate chamber.

Mr. Bowman moved that Mr. Packard be excluded from the Senate Chambers which motion prevailed and Mr. Packard was excluded.

The State Auditor appeared before the Bar of the Senate and the following proceedings were had:

MR. BOWMAN: I move at this time that the Secretary read to the auditor the resolution fixing the time for adjournment.

Which motion prevailed and the resolution was read by the Secretary.

MR. BOWMAN: I also move that the order of the Governor and Treasurer directing the Auditor to issue the warrants be read.

Which motion prevailed and the order was read by the Secretary.

Whereas, an emergency exists in this that there are not sufficient funds at present in the General Fund of the State Treasury, due to the fact that they have been misdirected by the State Auditor, to pay the per diem and mileage of the members of the legislature in this extraordinary and special session, and

Whereas, said session is about to adjourn, and

Whereas, that if warrants are issued the Bank of North Dakota will transfer sufficient funds to the credit of the State Treasurer's Department to meet all such per diem and mileage of the members, and

Whereas, the taxes are already levied and in process of collection sufficient to meet such per diem and mileage expenses of the members, and appropriations have been made therefor,

Now, Therefore, the state auditor, Carl R. Kositzky, is hereby advised, directed and ordered to issue warrants in payment of the duly authorized vouchers for the per diem and mileage herein mention without fail this 11th day of December, 1919.

December 11th, 1919.

LYNN J. FRAZIER,  
Governor State of North Dakota.  
A. L. YOUNG,  
Deputy State Treasurer.

The undersigned, Lynn J. Frazier, Governor of the State of North Dakota, and A. L. Young, Deputy State Treasurer, give their consent to the issuing of the warrants as above ordered.

MR. BOWMAN: Also the resolution passed by this body directing him to issue the warrants.

Which motion prevailed and the resolution was read by the Secretary.

MR. BOWMAN: We have proceeded according to law thus far in this matter regarding the payment of these warrants. Word has come to us that the warrants would not be issued and we have taken the steps that are necessary, and we now inquire of the State Auditor whether he is willing to immediately issue these warrants. The Governor and State Treas-

urer have issued an order on him, and this body has also issued an order directing the state auditor to issue the warrants, and we ask if the State Auditor is willing to issue them immediately. I make this in the form of a motion, that he be required to answer this.

Which motion prevailed.

MR. KOSITZKY: Gentlemen, my office hours are the same as the Governor and the Secretary of State and all the rest of them. My office hours begin at nine o'clock in the morning and end at five o'clock. My office is closed right at this minute, five o'clock, and will not be open until nine o'clock in the morning unless you change the law. If you set office hours for one you will have to set them for all, and unless you amend the law so my girl there can work more than eight hours, she is not going to work.

MR. LIEDERBACH: Is our time of the day right or is the State Auditor's? (4:50 o'clock P. M. by clock in Senate Chamber.)

MR. BOWMAN: We further ask if the State Auditor is willing to issue these warrants. I make that as a motion, that he be required to answer this question.

Which motion prevailed.

MR. KOSITZKY: I am willing to issue the warrants as soon as I get to them.

MR. WENSTROM: Mr. President, I move you that we have a direct answer on this that cannot be changed. I want to know whether the state auditor will issue these warrants, or will he not, immediately.

MR. KOSITZKY: I will issue these warrants just as soon as I get to them.

MR. McCARTEN: Mr. President, I would like to ask the State Auditor a question. At what time does he contemplate issuing these warrants, what hour, what date? We would like to have him fix the time that we may expect the warrants.

MR. KOSITZKY: I say I am going to issue these warrants as soon as I get to them. I have got lots of work that was presented before your bills were presented. There are 13,000 hail insurance warrants, and these people who are entitled to hail insurance settlements have been hounding me to death to get them, and they were in here before your claims were.

MR. BOWMAN: I ask that my resolution presented a while ago be now read.

MR. PLOYHAR: I believe it would be only fit and proper, Mr. President———We have indulged in more or less horse play here and we may be held personally liable for some of the actions we have taken, and I for one don't want to be held liable———I believe it only fitting and proper that Mr. Kositzky be allowed counsel. Every man is allowed his day in court, and this is a court at this time, and I move you, Mr. President, that he be allowed to select legal counsel in this matter at this time.

Which motion prevailed.

MR. McCARTEN: It seems to me, Mr. President, that this is a good time for us to think soberly and act soberly. There

can be but one opinion, it seems to me, among the members of this body as to the actions of the State Auditor, but, nevertheless, the laws of this state will probably bear him out in saying that it is impossible for him to issue these warrants now at this hour of the day on account of the laws of the state; that he will have to have help to do it. Now I would like to see this settled in a sane manner. I think that this man, for all the inconvenience he has caused us and the insubordination he has shown—that he will be repaid for that in time to come, and I am in favor of going on and going out of this chamber like a set of gentlemen. He will not tell us when he will issue these warrants, although he undoubtedly knows when it will be done. Let us give him time to do this in his own way. Let us go home, pay our own ways, and if there is a man who hasn't the money he can make some arrangement for it, and let the State Auditor have time—let him issue these warrants, as he says, when he gets around to them. This is my opinion as a member of the Senate, and it seems to me that it is a good, wise, course to take. That is the course I am going to take when we get through. I am going to pack up my things and I am going to make arrangements for my room here—some kind of an arrangement, we can all do that—and I am going home and I am going to let the people of this state decide. I am going to let them pass upon the action of the State Auditor on this question.

MR. HEMMINGSEN: I wish to state that I will do the same as Mr. McCarten.

MR. CHURCH: Mr. President, there is a certain amount of dignity that ought to be taken care of by a deliberative body at this time. There has been a lot of levity and a lot of actions have taken place here that no lady or gentleman likes to see. As far as I am concerned I can go home and pay my way and pay my expenses while here, and wait—I say wait—on the will of the State Auditor. I do say that I do not think it very becoming of him, or any state officer, to act the way he does. But there is another side to this question, and that is that I know there are men in this Legislative Assembly who will probably have a hard time to settle up things here and get home—men from the western part of the state who have had no crop. This is a precedent that has never before taken place in this body, something altogether uncalled for and unlooked for, but I for one am not ready to lower this body to a kangaroo court or anything else.

MR. FRASER: Mr. President, as I stated a while ago I have been in the House two sessions and in this Senate since the Regular Session this year, and our warrants have always been paid as a matter of courtesy. The State Auditor, or whoever had it in charge, always has issued our warrants in the past, on the last day of the session. It seems to be unprecedented, this stand that the State Auditor has taken. He may or may not be justified in his action. There were rumors going around here a day or two ago that the state auditor would not issue the warrants for our mileage and per diem. In the early part of the session the Senator from Ramsey County, Mr. Hyland, suggested to me—I believe on the first day—that a committee on mileage and per diem be at once appointed as that is not a standing committee—it is more or less a special committee—and I made that motion early in the

session. Mr. Hyland suggested that it would take a few days to make that report on mileage and per diem and it might be only a ten day session or shorter, and I believe I made that motion on the first day. Now I would say this. I am able to take care of my expenses down here and take care of my family, and I have seven or eight hundred dollars in the bank and I can command five or ten thousand more, and if any member of this legislature—any of the members—I think I can fix some of them out.

I will suggest, as one of the Senators has stated, that we want to act in a decorous manner here, and I would move at this time that we go into executive session.

Which motion prevailed.

#### OPEN SESSION

December 11, 1919.

To the Honorable Members of the Senate:

Gentlemen:

You are hereby informed that I have approved and filed with the Secretary of State, Senate Bill No. 19, An Act Providing for the Exemption from Taxation of the Income from Moneys Deposited in any Bank or other financial institution within the state.

Also, Senate Bill No. 26, An Act to Amend and Re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the Commissioner of Insurance as a member of the State Board of Equalization and as Secretary Thereof instead of the State Auditor.

Also Senate Bill No. 31, An Act Authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this state to take over and operate any Coal Mines or Other Public Utility in any Emergency where necessary for the protection of Life and Property.

Also Senate Bill No. 37, An Act to provide for an Appropriation for the Purpose of Carrying out the Provisions of the State Hail Insurance Law.

Very Respectfully,

LYNN J. FRAZIER,  
Governor.

House Chamber,  
Bismarck, N. D., Dec. 11, 1919.

Mr. President: I have the honor to inform you that the House refuses to accept the report of the Conference Committee on Senate Bill No. 3, and the Speaker has appointed a conference committee of Ferguson, Harding and Strom to confer with a like committee from the Senate.

Very respectfully,

GEO. A. TOTTEN, Jr.  
Chief Clerk.

House Chamber,  
Bismarck, N. D., Dec. 11, 1919.

Mr. President: I have the honor to inform you that the Concurrent Resolution requesting the Resignation of Wm.

Langer from the office of Attorney General, has passed the House unchanged.

Very respectfully,

GEO. A. TOTTEN, Jr.  
Chief Clerk.

Mr. Storstad moved that the Senate concur in the House amendment to Senate Bill No. 3.

Senate Bill No. 3. "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Was read the third time.

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes 36, nays 0, absent and not voting 13.

Ayes: Beck, Beisel, Benson, Carey, Church, Drown, Etestad, Fraser, Hagan, Hamerly, Hemmingsen, Hunt, Ingerson, Jacobsen, Kendall, King, Liederbach, McBride, McCarten, McNair, Mortenson, Mostad, Morkrid, Micklethun, Murphy, Oksendahl, Olson, Pendray, Porter, Storstad, Ward, Weber, Wellford, Wenstrom, Whitman, Zieman.

Absent and not voting: Berg, Bowman, Cahill, Fleckten, Haggart, Hyland, Levang, Mees, Nelson, Noltimier, Ployhar, Sikes, Stenmo.

So the bill passed and the title was agreed to.

Mr. Jacobson moved that the vote by which Senate Bill No. 3 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 10. "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 16. "A Bill for an Act to amend and reenact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Senate Bill No. 33. "A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Senate Bill No. 34. "A Bill for an Act to amend and reenact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish

a business system operated by the state under the name of the Home Building Association of North Dakota; Defining the scope and manner of its operations and the powers and duties of the persons charged with its management; Making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

And find the same correctly enrolled.

A. G. Storstad,  
Chairman.

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

#### SIGNING OF BILLS.

The Secretary announced that the President was about to sign:

Senate Bill No. 10. "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 16. "A Bill for an Act to amend and reenact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Senate Bill No. 33. "A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Senate Bill No. 34. "A Bill for an Act to amend and reenact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; Defining the scope and manner of its operations and the powers and duties of the persons charged with its management; Making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

And the President signed the same in the presence of the Senate.

The committee on Revision and Correction of the Journal made the following report:

Mr. President: Your committee on Revision and Correction of the Journal have carefully examined the Journal of the sixteenth day after recess and seventh day and recommend that the same be corrected as follows: On page 7 insert the full title of House Bill No. 60 in place of the words "A

bill for an act, etc.," where they occur in the 45th line. Page 9, line 9, strike out the figure 4 and insert the following: "40 and 41." also change the word "rule" to "rules" and the word "it" to "they." Page 10, line 49, after the word may insert and when so amended recommend the same do pass.

Page 15, change the word "patrons" to the word "patron" where it occurs in lines 3 and 4.

Page 17, line 46, after the word state add "and that 1500 copies be printed."

And when so corrected recommend that the same be approved.

H. H. McNAIR,  
Chairman.

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

The committee on Conference made the following report:  
Mr. President: Your Conference committee on House Bill No. 55. Have had the same under consideration and beg leave to report as follows:

We recommend that the Senate recede from its amendments to House Bill No. 55.

For the Senate:

WALTER WELFORD,  
THOMAS PENDRAY,  
OLE ETTESTAD.

For the House:

S. W. JOHNSON,  
JOHN R. MADDOCK,

Mr. Murphy moved that the report of the Conference committee on House Bill No. 55 be not adopted and a new Conference committee be appointed, which motion prevailed and the President appointed as such committee Messrs. Church, Murphy and Benson.

Mr. Hammerly moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils.

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

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the

year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

House Bill No. 59. "A Bill for an Act remitting the amount of state taxes for the year 1919."

House Bill No. 7, "A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

And the President signed the same in the presence of the Senate.

Mr. Mostad moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reassembled, the President presiding.

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill 27, "A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Senate Bill No. 41, "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 51, "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 50. "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Senate Bill No. 9. "A Bill for an Act to amend and re-enact

Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

Senate Bill No. 12. "A Bill for an Act to amend and reenact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Senate Bill No. 3. "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent and penalty and interest thereon."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

The committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Senate Bill No. 53. "A Bill for an Act to amend and reenact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Senate Bill No. 42. "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Senate Bill No. 30. "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state: authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Senate Bill No. 32. "A Bill for an Act to amend and reenact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies and repealing all acts and parts of acts in conflict herewith."

Senate Bill No. 56. "A Bill for an Act to amend and reenact Chapter 216 of the Compiled Laws of North Dakota

for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Senate Bill No. 55. "A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 23. "A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration. And to Repeal all Acts and Parts of Acts in Conflict Therewith."

Senate Bill No. 49. "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 120 of the laws passed at the 16th Session of the Legislative Assembly, being the Session laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 41. "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes and providing for the furnishing of notice of the expiration of the time of redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 27. "A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies.

Senate Bill No. 51. "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

Senate Bill No. 36. "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 3. "A Bill for an Act to amend and re-

enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Senate Bill No. 50. "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Senate Bill No. 12. "A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Senate Bill No. 49. "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 120 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 23. "A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration. And to Repeal all Acts and Parts of Acts in Conflict Therewith."

Senate Bill No. 55. "A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 56. "A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Senate Bill No. 32. "A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and equipment companies and repealing all acts and parts of acts in conflict herewith."

Senate Bill No. 30. "A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Senate Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter

42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Senate Bill No. 42. "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Sessions Laws of North Dakota for 1915 in the amount of \$25,000."

Senate Bill No. 48. "A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political sub-division."

Senate Bill No. 53. "A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Senate Bill No. 9. "A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

And the President signed the same in the presence of the Senate.

Mr. Wenstrom moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate reassembled, the President presiding.

The committee on conference made the following report:

Mr. President: Your conference committee to whom was referred House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

Have had the same under consideration and report no agreement.

FAY HARDING,  
J. C. MILLER,  
OSCAR R. NESVIG,  
Senate Com.  
W. J. CHURCH,  
JOHN W. BENSON,  
P. J. MURPHY.

And when so amended recommend the same do pass.

Mr. Murphy moved that the report be accepted and the committee be discharged which motion prevailed.

Mr. McBride moved that the Senate adhere to its disagreement on House Bill No. 55, which motion prevailed.

#### A MESSAGE FROM THE HOUSE

HOUSE CHAMBER,  
BISMARCK, N. D., DEC. 11, 1919.

Mr. President: I have the honor to inform you that the

House has refused to accept the conference report and has accepted the Senate amendment to House Bill 55 and has passed same.

Very respectfully,

Geo. A. Totten, Jr.  
Chief Clerk.

The committee on Enrollment and Engrossment made the following report:

Mr. President: Your committee on Enrollment and Engrossment have examined the following bill:

Concurrent Resolution amending the constitution in regard to the length of time for a voter to reside within the county and township.

And find the same correctly enrolled.

A. G. STORSTAD,  
Chairman.

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

A Concurrent Resolution relating to a proposed amendment to the constitution relating to the residence of an elector.

And the President signed the same in the presence of the Senate.

The President appointed on the Investigating Committee under the Concurrent Resolution passed during the special session Senators Olson of Eddy and Cahill of Grant.

Mr. McCarten moved that a committee of three be appointed to correct and revise the Senate Journal of the last day, which motion prevailed, and the Chair appointed as such committee Senators King, Liederbach and Jacobsen.

Mr. Jacobsen moved that a committee of three be appointed by the President to inform the House that the Senate has completed its labors and is ready to adjourn, which motion prevailed, and the President appointed as such committee Senators Jacobsen, Hamerly and McNair.

Mr. King moved that a committee of three be appointed by the President to notify the Governor that the Senate has completed its labors and is ready to adjourn, which motion prevailed, and the President appointed as such committee Senators Welford, Kendall and Stenmo.

The committee appointed to inform the House that the Senate was through with its work and ready to adjourn re-

ported that it had performed its duty and was discharged by the president.

Mr. Ward moved that a copy of the Journals of the last two days be mailed to each Senator which motion prevailed.

The committee appointed to inform the Governor that the Senate has finished its work and is ready to adjourn reported that the Governor had no further communications to submit and the committee was discharged by the President.

#### A MESSAGE FROM THE HOUSE

A select committee from the House informed the Senate that the House has finished its labors and is ready to adjourn.

Mr. McNair moved that the Senate adjourn sine die which motion prevailed and the Senate adjourned sine die.

W. J. PRATER,  
Secretary.

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#### REPORT OF SPECIAL COMMITTEE ON CORRECTION OF THE JOURNAL OF THE LAST DAY

We, the undersigned members of the special committee appointed to correct the Journal of the Senate of the last day, have carefully examined the same and find the same correct.

C. D. KING,  
H. P. JACOBSEN,  
A. A. LIEDERBACH.

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 Passed, 10.  
 Received from House, 36.

**Senate Bill No. 2. (Weber.)**

A Bill for an Act to amend and re-enact Section 4 of Chapter 214 of the Laws of North Dakota for the year 1919 relating to the limitation of tax levies and debt limits in counties and political subdivisions thereof; repealing all acts and parts of acts in conflict herewith.

Introduction and first reading, 9.  
 Second reading and reference, 9.  
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**Senate Bill No. 3. (Zieman.)**

A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon.

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

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**Senate Bill No. 6. (Church.)**

A Bill for an Act to amend and re-enact Section 2 and Section 13 of Chapter 192, Laws of North Dakota, 1919, relating to public utilities and the powers of the railroad commissioners with regard thereto.  
 Introduction and first reading, 9.  
 Second reading and reference, 9.  
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**Senate Bill No. 7. (Welford.)**

A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals.  
 Introduction and first reading, 9.  
 Second reading and reference, 9.  
 Reported back, 14.  
 Third reading, 29.  
 Passed, 29.  
 Received from House, 54.

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A Bill for an Act to provide interest and sinking funds on bonds issued against public utilities.  
 Introduction and first reading, 9.  
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**Senate Bill No. 9. (Bowman.)**

A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters.  
 Introduction and first reading, 11.  
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 Third reading, 186.  
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**Senate Bill No. 10. (Cahill.)**

A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products.  
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**Senate Bill No. 11. (Fraser.)**

A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned.

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Received from House, 208.

**Senate Bill No. 12. (Welford.)**

A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Subdivision (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes.

Introduction and first reading, 11.

Second reading and reference, 11.

Reported back, 160.

Third reading, 198.

Passed, 198.

Received from House 247.

**Senate Bill No. 13. (Drown.)**

A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of Assistant Attorneys General.

Introduction and first reading, 11.

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Reported back, 34.

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Other action, 41, 42, 70, 85.

**Senate Bill No. 14. (Haggart.)**

A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of Licensed Architects and the regulation of the practice of architecture as a profession in the State of North Dakota.

Introduction and first reading, 15.

Second reading and reference, 15.

Reported back, 84, 10.

Third reading, 106.

Passed, 107.

Received from House, 208.

Other action, 42.

**Senate Bill No. 15. (McNair.)**

A Bill for an Act authorizing the Commissioner of Immigration to appoint deputies, and make all necessary contracts for the purpose of carrying out the provisions of Chapter 145 of the Laws of North Dakota for the year 1919.

Introduction and first reading, 15.

Second reading and reference, 15.

Reported back, 90.

Indefinitely postponed, 103.

**Senate Bill No. 16. (Hemmingsen.)**

A Bill for an Act to amend and re-enact Sections 625 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917.

Introduction and first reading, 17.  
 Second reading and reference, 23.  
 Reported back, 93, 156.  
 Third reading, 168.  
 Passed, 168.  
 Received from House, 247.  
 Other action, 104.

**Senate Bill No. 17. (Nelson.)**

A Bill for an Act to permit the state flood control engineer to build and construct drains in Richland County, North Dakota, and to dredge, straighten, deepen and embank the Bois de Sioux river for the purpose of relieving the southeastern part of Richland County from flood and other waters, and providing an appropriation therefor.

Introduction and first reading, 17.  
 Second reading and reference, 23.  
 Reported back, 89.  
 Indefinitely postponed, 103.

**Senate Bill No. 18. (Mees.)**

A Bill for an Act to amend and re-enact Sections 2 and 5 of Chapter 139, Session Laws of North Dakota for 1919, relating to the extermination of grasshoppers.

Introduction and first reading, 17.  
 Second reading and reference, 23.  
 Reported back, 95.  
 Indefinitely postponed, 103.

**Senate Bill No. 19. (Welford.)**

A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State.

Introduction and first reading, 17.  
 Second reading and reference, 23.  
 Reported back, 23.  
 Third reading, 43.  
 Passed, 43.  
 Received from House, 153.

**Senate Bill No. 20. (Bowman.)**

A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor.

Introduction and first reading, 17.  
 Second reading and reference, 23.  
 Reported back, 56.  
 Third reading, 106, 114.  
 Passed, 114.  
 Received from House, 181, 208.  
 Other action, 182, 193.

**Senate Bill No. 21. (Mees.)**

A Bill for an Act to increase the salaries and per diem of county officers.

Introduction and first reading, 17.  
 Second reading and reference, 23.

Reported back, 101.  
Indefinitely postponed, 103, 104.

**Senate Bill No. 22. (Fraser.)**

A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers.  
Introduction and first reading, 17.  
Second reading and reference, 23.  
Reported back, 34.  
Third reading, 43.  
Passed, 44.  
Other action, 46.  
Received from House, 181.

**Senate Bill No. 23 (Mortenson.)**

A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds to rural schools, their inspection and administration, and to repeal all acts and parts of acts in conflict therewith.  
Introduction and first reading, 17.  
Second reading and reference, 24.  
Reported back, 33.  
Third reading, 105.  
Passed, 195, 243.  
Received from House amended, 219, 248.  
Other action, 223.

**Senate Bill No. 24. (Fleckten.)**

A Bill for an Act to amend and re-enact Section 5 of Chapter 186 of the Session Laws of the State of North Dakota for the year 1915, relating to the support of needy women who are the mothers of, and who are compelled to support, one or more children under fourteen years of age.  
Introduction and first reading, 18.  
Second reading and reference, 24.  
Reported back, 35.  
Indefinitely postponed, 103.

**Senate Bill No. 25. (Mostad.)**

A Bill for an Act to amend and re-enact Section 9238 of the Compiled Laws of North Dakota for the year 1913, relating to sports on the first day of the week.  
Introduction and first reading, 18.  
Second reading and reference, 24.  
Reported back, 155.  
Indefinitely postponed, 166.

**Senate Bill No 26. (Olson.)**

A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor.  
Introduction and first reading, 18.  
Second reading and reference, 24.  
Reported back, 56.  
Third reading, 85.  
Passed, 85.  
Received from House, 153.

**Senate Bill No. 27. (Hunt.)**

A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies.

Introduction and first reading, 18.

Second reading and reference, 24.

Reported back, 159.

Third reading, 196.

Passed, 196.

Received from House, 247.

**Senate Bill No. 28. (Berg.)**

A Bill for an Act providing for the enforcement of the payment of taxes due to the state or to any taxing subdivision thereof, by the state tax commissioner; and repealing all acts or parts of acts in conflict herewith.

Introduction and first reading, 18.

Second reading and reference, 24.

Reported back, 150.

Re-referred, 191.

**Senate Bill No. 29. (Mostad.)**

A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with.

Introduction and first reading, 18.

Second reading and reference, 24.

Reported back, 32.

Third reading, 42.

Passed, 43.

Received from House, 142.

**Senate Bill No. 30. (Liederbach)**

A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state, authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor.

Introduction and first reading, 18.

Second reading and reference, 25.

Reported back, 125.

Third reading, 185.

Passed, 185.

Received from House, 249.

Other action, 254, 257.

**Senate Bill No. 31. (Levang.)**

A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property.

Introduction and first reading, 18.

Second reading and reference, 25.

Reported back, 59.

Third reading, 86.

Passed, 87.

Received from House, 153.

**Senate Bill No. 32. (McCarten.)**

A Bill for an Act to amend and re-enact Section 2144 of the

Compiled Laws of North Dakota for the year 1913, relating to the assessment of expenses, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and equipment companies and repealing all acts and parts of acts in conflict herewith.

Introduction and first reading, 19.

Second reading and reference, 25.

Reported back, 158.

Third reading, 197.

Passed, 197.

Received from House, 247.

**Senate Bill No. 33. (King.)**

A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919.

Introduction and first reading, 19.

Second reading and reference, 25.

Reported back, 89.

Re-referred, 89, 118.

Re-reported, 132, 156.

Third reading, 180.

Passed 180.

Title amended, 182.

Received from House, 247.

**Senate Bill No. 34. (Benson.)**

A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operations and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty percent has been paid thereon, and give the buyer a contract for a deed therefor.

Introduction and first reading, 19.

Second reading and reference, 25.

Reported back, 6.

Re-referred, 85.

Re-reported, 35.

Third reading, 144.

Passed, 144.

Received from House, 247.

**Senate Bill No. 35. (Pendray.)**

A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto.

Introduction and first reading, 19.

Second reading and reference, 25.

Reported back, 41.

Third reading, 104.

- Passed, 105.  
 Received from House, 208.
- Senate Bill No. 36.** (Ettestad and Berg.)  
 A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state.  
 Introduction and first reading, 19.  
 Second reading and reference, 26.  
 Reported back, 154.  
 Third reading, 197.  
 Passed, 197.  
 Received from House, 256.
- Senate Bill No. 37.** (Ingerson.)  
 A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hall Insurance Law.  
 Introduction and first reading, 19.  
 Second reading and reference, 26.  
 Reported back, 58.  
 Third reading, 36.  
 Passed, 86.  
 Received from House, 208.
- Senate Bill No. 38.** (Liederbach.)  
 A Bill for a Concurrent Resolution amending the constitution of the State of North Dakota by changing the debt limit thereof and providing for issuing and guaranteeing bonds by the state, and providing that bonds issued or guaranteed by the state in excess of two million dollars shall be secured by first mortgages on certain classes of property and providing that the state may issue bonds to build, maintain and repair highways.  
 Introduction and first reading, 19.  
 Second reading and reference, 26.  
 Reported back, 231.  
 Indefinitely postponed, 235.  
 Other action, 256.
- Senate Bill No. 39.** (Olson.)  
 A Bill for an Act to amend Section 852 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Section 1, Chapter 150, of the Laws of North Dakota for the year 1915, relating to primary elections.  
 Introduction and first reading, 19.  
 Second reading and reference, 26.  
 Reported back, 101.
- Senate Bill No. 40.** (Hammerly.)  
 A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties and the membership thereof.  
 Introduction and first reading, 20.  
 Second reading and reference, 26.  
 Reported back, 57.  
 Third reading, 86.  
 Passed, 86.  
 Received from House, 153.
- Senate Bill No. 41.** (Oksendahl.)  
 A Bill for an Act to amend and re-enact Section 2223 of the

Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes; and providing for the furnishing of notice of the expiration of the time of redemption upon all mortgagees and assignees of unsatisfied recorded mortgages.

Introduction and first reading, 20.  
 Second reading and reference, 26.  
 Reported back, 133.  
 Third reading, 185.  
 Passed, 185.  
 Received from House, 256.

**Senate Bill No. 42. (Miklethun.)**

A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000.

Introduction and first reading, 20.  
 Second reading and reference, 26.  
 Reported back, 84.  
 Third reading, 101.  
 Passed, 107, 257.  
 Received from House, 257.  
 Other action, 257.

**Senate Bill No. 43. (Jacobsen.)**

A Bill for an Act making effective Section 9, Chapter 167 Session Laws of North Dakota, for the year 1919, as regards expenses of District Judges, by making an appropriation therefor.

Introduction and first reading, 20.  
 Second reading and reference, 27.  
 Reported back, 69.  
 Third reading, 105.  
 Passed, 105.  
 Received from House, 208.

**Senate Bill No. 44. (McCarten.)**

A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure.

Introduction and first reading, 20.  
 Second reading and reference, 27.  
 Reported back, 120.  
 Third reading, 184.  
 Passed, 184, 232.  
 Received from House, 227.

**Senate Bill No. 45. (Drown.)**

A Bill for an Act declaring sow thistle to be a noxious weed; providing for its destruction and providing for the payment of the expenses of its destruction.

Introduction and first reading, 20.

Second reading and reference, 27.  
Reported back, 96.  
Indefinitely postponed, 103.

**Senate Bill No. 46. (Mostad.)**

A Bill for an Act to establish a State Athletic Commission regulating boxing and sparring in the state of North Dakota; defining its powers and duties; regulating boxing exhibitions; and providing penalties for the violation thereof, and repealing all acts and parts of acts in conflict therewith.

Introduction and first reading, 20.  
Second reading and reference, 27.  
Reported back, 163.

**Senate Bill No. 47. (Mees.)**

A Bill for a Concurrent Resolution agreeing to the appointment of a joint committee of three members from the House and two members from the Senate to investigate the alleged fraud resulting from the administration of Senate Bill No. 157, enacted by the Sixteenth Legislative Assembly.

Introduction and first reading, 21.  
Second reading and reference, 27.

**Senate Bill No. 48. (Ployhar.)**

A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota, providing for the debt limit of an county, township, city, town school district and any other political sub-division.

Introduction and first reading, 21.  
Second reading and reference, 27.  
Reported back, 186.  
Third reading, 202.  
Passed, 202.  
Received from House, 256.

**Senate Bill No. 49. (King, by request.)**

A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof, to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 120 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2063, and 977, of the Compiled Laws of the State of North Dakota for the year 1913, and all other acts or parts of acts in conflict with the provisions thereof.

Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 118.  
Third reading, 182.  
Passed, 182.  
Received from House, 256.

**Senate Bill No. 50. (King, by request.)**

A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations.

Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 57.

Third reading, 106, 259.  
Passed, 106, 259.  
Received from House, 255.

**Senate Bill No. 51. (Ingerson.)**

A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance.  
Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 96.  
Amended, 113.  
Third reading, 143.  
Passed, 143.  
Received from House, 256.

**Senate Bill No. 52. (Haggart.)**

A Bill for an Act to repeal Section 9231 of the Compiled Laws of North Dakota for the year 1913, relating to theatres keeping open on Sunday.  
Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 157.  
Indefinitely postponed, 166.

**Senate Bill No. 53. (Weber.)**

A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued.  
Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 194.  
Third reading, 202.  
Passed, 202.  
Received from House, 256.

**Senate Bill No. 54. (Insurance Committee.)**

A Bill for an Act to amend Sections 3, 12 and Section 6 of Chapter 157 entitled Exchange of Reciprocal or inter-insurance contracts, Session Laws of North Dakota for the year 1919.  
Introduction and first reading, 21.  
Second reading and reference, 28.  
Reported back, 194.  
Indefinitely postponed, 204.

**Senate Bill No. 55. (Ward.)**

A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1913 relating to revenue and taxation and fixing the situs of personal property for tax purposes.  
Introduction and first reading, 33.  
Second reading and reference, 33.  
Reported back, 148.  
Third reading, 185.  
Passed, 185.  
Received from House, 256.

**Senate Bill No. 56. (Church.)**

A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar of taxable property for the school districts of the county.

Introduction and first reading, 36.

Second reading and reference, 36.

Reported back, 132.

Third reading, 145.

Passed, 145.

Received from House, 256.

**Senate Bill No. 57. (Drown.)**

A Bill for an Act appropriating the sum of five thousand dollars for the relief of Alice Bixby.

Introduction and first reading, 131.

Second reading and reference, 131.

Reported back, 132.

Third reading, 138.

Passed, 138.

Received from House, 208.

**Senate Bill No. 58. (Wenstrom.)**

A Bill for an Act making appropriation for the salary of the secretary and members of the State Highway Commission, for the clerk hire and other assistance of the commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Introduction and first reading, 162.

Second reading and reference, 162.

Reported back, 162.

Third reading, 167.

Passed, 167.

Received from House, 258.

## HOUSE BILLS

**House Bill No. 2.**

A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state 101 each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto.

Received from the House, 206.

First reading, 207.

Second reading and reference, 207.

Reported back, 208.

Passed, 217.

Other action, 217.

**House Bill No. 4.**

A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 10 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith.

Received from the House, 219.

First reading, 221.

Second reading and reference, 221.

Reported back, 223, 228.

Passed, 235.

**House Bill No. 5.**

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

Received from the House, 69.

First reading, 88.

Second reading and reference, 88.

Passed, 115.

**House Bill No. 6.**

A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor.

Received from the House, 69.

First reading, 87.

Second reading and reference, 87.

Reported back, 96.

Passed, 115.

**House Bill No. 7.**

A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxi-cab stands and places where soft drinks are sold.

Received from the House, 226.

First reading, 226.

Second reading and reference, 227.

Reported back, 234.

Passed, 217.

**House Bill No. 9.**

A Bill for an Act to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of registrar, clerkhire, special agents, traveling expenses, printing, and 1921 license tags.

Received from the House, 219.

First reading, 221.

Second reading and reference, 221.

Reported back, 227.

Passed, 256.

**House Bill No. 10.**

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

Received from the House, 69.

First reading, 88.

Second reading and reference, 88.

Reported back, 157.

Passed, 195.

**House Bill No. 13.**

A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith.

Received from the House, 142.

First reading, 151.

Second reading and reference, 151.

Reported back, 156.

Passed, 151.

**House Bill No. 16.**

A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils.

Received from the House, 206.

First reading, 207.

Second reading and reference, 207.

Reported back, 213, 228.

Passed, 239.

Other action, 219.

**House Bill No. 17.**

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

Received from the House, 219.

First reading, 219.

Second reading and reference, 221.

Reported back, 243.

Passed, 244.

**House Bill No. 19.**

A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships.

Received from the House, 206.

First reading, 207.

Second reading and reference, 207.

Reported back, 208.

Passed, 217.

**House Bill No. 20.**

A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all other acts and parts of acts in conflict with the provisions of this act.

Received from the House, 142.

First reading, 151.

Second reading and reference, 151.

Reported back, 187.

Passed, 192.

**House Bill No. 41.**

A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof.

Received from the House, 142.

First reading, 151.

Second reading and reference, 151.

Reported back, 212.

Passed, 220.

Other action, 213.

**House Bill No. 42.**

A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts.

Received from the House, 69.

First reading, 87.

Second reading and reference, 87.

Reported back, 125.

Passed 145.

Other action, 257.

**House Bill No 44.**

A Bill for an Act to amend and re-enact sub-divisions Num-

ber 7, Number 8, Number 11, Number 18, and Number 33, of Chapter 10 of the Session Laws of 1919, relating to the general budget appropriation.

Received from the House, 219.

First reading, 221.

Second reading and reference, 221.

Reported back, 233.

Passed, 240.

**House Bill No. 46.**

A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of the State of North Dakota for 1919 relating to Workmen's Compensation Fund.

Received from the House, 118.

First reading, 131.

Second reading and reference, 131.

Reported back, 134.

Passed, 146.

**House Bill No. 48.**

A Joint Resolution creating a Joint Investigation Committee; defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor.

Received from the House, 69.

First reading, 87.

Second reading and reference, 87.

Reported back, 97.

Passed, 116, 210.

Other action 154.

Conference committee, 207, 209.

**House Bill No. 49.**

A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al. vs. Lynn J. Frazier, et al., on the Calendar.

Received from the House, 70.

First reading, 87.

Second reading and reference, 87.

Reported back, 97.

Passed, 117.

**House Bill No. 51.**

A Bill for an Act to amend Sections eight (8) and thirteen (13) of Chapter ninety-seven (97) of the Laws of 1917 as amended by Section two (2) of Chapter 99 of the Laws of 1919.

Received from the House, 118.

First reading, 131.

Second reading and reference, 131.

Reported back, 134.

Passed, 147.

**House Bill No. 35.**

A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance

at any model high or graded or elementary school which is operated, maintained or in any manner connected with the State University, any normal schools or any educational institution of higher learning.

Received from the House, 154.

First reading, 161.

Second reading and reference, 161.

**House Bill No. 36.**

A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof.

Received from the House, 118.

First reading, 131.

Second reading and reference, 131.

Reported back, 134.

Passed, 146.

**House Bill No. 38.**

A Bill for an Act appropriating the sum of \$6,000 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of the State Printer.

Received from the House, 219.

First reading, 221.

Second reading and reference, 221.

Reported back, 227.

Passed, 231.

**House Bill No. 39.**

A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies.

Received from the House, 118.

First reading, 131.

Second reading and reference, 131.

Reported back 156.

Passed, 152.

**House Bill No. 40.**

A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota.

Received from the House, 182.

First reading, 189.

Second reading and reference, 189.

Reported back, 211.

Passed, 218.

**House Bill No. 51.**

A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof.

Received from the House, 118.

First reading, 151.

Second reading and reference, 132.

Reported back, 151.

Passed, 146.

**House Bill No. 54.**

A Bill for an Act to provide for the better enforcement of the laws of this state, constituting the County Sheriffs

of this State a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all acts and parts of acts in conflict herewith.

Received from the House, 206.

First reading, 207.

Second reading and reference, 207.

Reported back, 208.

Passed, 218.

#### House Bill No. 55.

A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency.

Received from the House, 221.

First reading, 222.

Second reading and reference, 222.

Reported back, 231.

Passed, 255.

Other action, 264, 271, 276.

Conference committee, 276.

#### House Bill No. 56

A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919 relating to the care of samples of milk and cream and for containing official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Received from the House, 221.

First reading, 222.

Second reading and reference, 222.

Reported back, 231.

Passed, 257.

#### House Bill No. 57.

A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency.

Received from the House, 221.

First reading, 222.

Second reading and reference, 223.

Reported back, 243.

Passed 244.

#### House Bill No. 58.

A Bill for an Act making appropriation for the salary of the secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict there-

with; and declaring an emergency.

Received from the House, 221.

First reading, 220.

Second reading and reference, 223.

Reported back, 228.

Passed, 232.

**House Bill No. 55.**

A Bill for an Act remitting the amount of state taxes for the year 1919.

Received from the House, 221.

First reading, 223.

Second reading and reference, 223.

Reported back, 258.

Passed, 260.

**House Bill No. 60.**

A Act declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect.

Received from the House, 221.

First reading, 220.

Second reading and reference, 223.

Reported back, 231.

Passed, 238.