
CONCURRENT RESOLUTIONS

A CONCURRENT RESOLUTION.

[Haraldson.]

Whereas, A publication known as "Legalized Bank Robbery" certain charges have been preferred as will bring discredit upon the state and its public offices and subject the examiner's department particularly to serious criticism,

Now, Therefore, Be it Resolved by the House of Representatives, the Senate Concurring:

That a committee of three be appointed, two from the House and one from the Senate, with full authority to examine said charges so far as they concern the public officers of this state, and the records and reports of the examiner's department relating thereto for the purpose of ascertaining the truth or falsity of the charges preferred, said committee to make a report of said examination to the legislative assembly, and in order to make a full and complete report thereof, such committee to issue subpoenas to compel the attendance of witnesses to testify and to make findings and report the same to the legislature.

A CONCURRENT RESOLUTION.

[Everson.]

Whereas, The United States should maintain an attitude of impartial neutrality toward all the warring nations of Europe, and

Whereas, The shipment of arms and munitions of war to any of said warring nations is not consistent with the purpose and policy of the United States to be strictly and impartially neutral, and

Whereas, The shipment of arms and munitions of war has the effect of prolonging the conflict now raging in Europe, therefore
Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That we view the present war as a crime and travesty on civilization and read with horror its daily record of destruction and death.

That we earnestly urge Congress to prohibit the shipment of arms and munitions of war from the United States to any of the nations engaged in this war in order to consistently maintain a fair and impartial neutrality toward all such nations.

Resolved, That the Secretary of State be instructed to send a copy of these resolutions to each of our Senators and Representatives in Congress to the Secretary of State of United States, and to the President of the United States.

A CONCURRENT RESOLUTION.

[Lathrop Committee.]

Whereas, By Chapter 6 of the Laws of the State of North Dakota of 1891, entitled "An Act designating and appropriating Section 36 in Township 140 North, Range 49 West, in the County of Cass, for the use of the State Agricultural College as a site for that institution," there was appropriated, with the consent of the Congress of the United States, out of the lands granted to the State of North Dakota by the United States for the use of the common schools, Section 36 in Township 140 North, Range 49 West, in Cass county, North Dakota, for the use of the said Agricultural College as a site for that institution, and

Whereas, The common school fund has been thereby decreased, and

Whereas, It is for the best interest of such common schools in the state that such section of land so appropriated be replaced and a new section granted in lieu thereof, and

Whereas, Federal legislation is necessary for that purpose, therefore

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

That the Congress of the United States, be and it hereby is respectfully petitioned and requested to grant and set apart from the unappropriated government lands within the State of North Dakota, a section of land to be selected by the said State of North Dakota, in lieu of the foregoing Section 36 in Township 140, Range 49, for the use of the common school fund of said state.

Be it Further Resolved, That the Secretary of State be instructed to send a copy of these resolutions to the Senators and Representatives of the State of North Dakota in Congress.

A CONCURRENT RESOLUTION.

[Everson.]

Whereas, The Shepard-Hobson resolution amending the Constitution of the United States so as to prohibit the manufacture and sale of intoxicating liquors and beverages failed to receive the neces-

sary two-thirds vote in the House of Representatives of Congress, and

Whereas, A majority of the members of said House of Representatives voted in favor of the resolution, among them the Representatives from North Dakota, and

Whereas, Federal legislation is necessary to properly regulate and control the liquor traffic, therefore

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That we commend the action of our Representatives in Congress in voting for the Shepard-Hobson resolution, and urge them to continue to work for the passage of the same;

Resolved, That we urge the Senate and the House of Representatives of Congress to reconsider the action already taken and to pass the said Shepard-Hobson resolution, and

Be it Further Resolved, That the Secretary of State be instructed to send a copy of these resolutions to our Senators and Representatives in Congress, to the Speaker of the House of Representatives, to the Vice-President and to the President of the United States.

A CONCURRENT RESOLUTION.

[Turner.]

Whereas, When North Dakota was admitted to statehood the state was given for state institutions by the Federal Government lands aggregating 500,000 acres. This land was divided among the various state institutions and as these lands are sold the moneys derived from them go into a permanent fund, the income of which is used and shall be used for the maintenance and support of the institution for which these lands stand as an endowment; and

Whereas, There is in North Dakota to-day about 700,000 acres of vacant government land remaining, much of which is subject to the 320-acre homestead act and may be subject to a homestead entry of 640 acres, provided a bill now before Congress shall be enacted into law; and

Whereas, If this shall be done, the remaining public lands in North Dakota will only provide a little over 1,000 homesteads; and

Whereas, If Congress should enact a law giving to every public land state 500,000 acres of the remaining vacant public lands in the various public land states, thereby benefiting all of the people of those states and in a way in which and by which they would derive a much greater benefit than were the lands open for homesteads to a few; now, therefore,

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

That we respectfully request and petition the Congress of the United States through our Senators and Representatives of Congress, that a law be enacted so that the states receiving these public lands shall be authorized through their legislatures to distribute the lands so given between the penal, charitable and educational institutions of the state, but providing that one-fifth of the lands so given shall be set aside by the legislature as an endowment fund, the interest from which when the lands shall have been sold to be used for the purpose of building roads and bridges in the various states.

A CONCURRENT RESOLUTION.

[McClellan.]

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

That, Whereas, There are now in the western part of North Dakota about 673,000 acres of rough, broken and non-irrigable vacant government land more suitable for grazing and stock-raising than for any other purpose, and

Whereas, The steady development of the west has been dependent upon and built up by actual settlers and homesteaders who came west for the purpose of finding homes for the support and maintenance of themselves and families; and

Whereas, The occupation and settlement of these vacant lands will in time, through taxation and other sources, inure to the benefit of the counties and whole country in which said lands are located, and

Whereas, Practically all the agricultural lands in the third congressional district of the State of North Dakota have been selected and are now occupied by actual settlers; and

Whereas, The balance of the unoccupied lands are quite rough and broken and consist mostly of what are commonly known as the bad lands, and principally valuable for stock-raising; and

Whereas, There is a shortage of beef throughout the land as a result of stock-raising having been neglected for agricultural pursuits, and

Whereas, The balance of this land, if assigned in proper quantities, will yet support hundreds of families; and

Whereas, We believe an Act can and should be passed by Congress which will grant each settler a sufficient acreage of said lands as will comfortably support a family by mixed farming and stock-raising thereon, and which Act might be drafted along the line of the 640-acre stock-raising Homestead Bill No. 15799 which was

introduced during the second session of the Sixty-third Congress of the United States, and in which there is incorporated a classification clause which would leave absolutely no grounds for the Act to monopolize lands coming under the 160-acre or 320-acre Acts, and

Whereas, It has come to our notice that a movement was on foot to have Congress pass a law to have said government lands granted to the state for leasing purposes, and to also pass a national leasehold bill; and

Whereas, We believe that such an Act would be a crime and an outrage perpetrated upon the counties in which said lands are situated, and would deprive them of the actual settlers and families which they would otherwise get and would further deprive such counties of the assessable valuations and taxable property which they are entitled to and from which said counties would eventually realize an abundance of revenue by virtue of entrymen having their lands patented and homes built thereon for themselves and families, and their children's children; and

Whereas, There is not the incentive for families to build up valuable and permanent homes on rented land that there is on land they can call their own, and from which they would not have to be separated by virtue of the expiration of a lease; and

Whereas, There are a number of the counties in which this land is located that are already too small in the area of their agricultural lands without robbing them of what is left, and this is especially true of Billings county, which has not any more taxable real estate than it needs for the running of their county government; and

Whereas, We do not believe in heaping the burdens of taxation on the few who happen to own the agricultural land in such localities when the same can be reduced with the settlement of these vacant government lands by homesteaders who are willing to share the burden of taxation in their community for the purpose of getting homes; and

Whereas, We are heartily in favor of some Act that will tend to improve said district and bring settlers who will make permanent homes therein, but that we are bitterly opposed to the submission of a national leasehold bill or any Act that will shut the lands out from actual homesteading, thereby curtailing and handicapping the development and upbuilding of said district; now, therefore,

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

That we transmit a copy of this resolution to our Senators and Representatives in the National Congress requesting and urging them to use all honorable means to see that the spirit of this resolution be put into execution as far as possible, and that any Act which would tend to prevent the actual settlement of the lands above referred to, and which would deprive any county in said third con-

gressional district of the full benefit of its lands through taxation or otherwise, be prevented.

It is Further Resolved, That the Secretary of State is hereby authorized to transmit the foregoing resolution to the Senators and Representatives in Congress from the State of North Dakota.

A CONCURRENT RESOLUTION.

[Rott.]

Providing for the Appointment of a Joint Committee to Investigate the Affairs of the Board of Control.

A Concurrent Resolution providing for the appointment of a joint committee to investigate the affairs of the Board of Control.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

Whereas, The State Board of Control has expended many hundreds of thousands of dollars, the expenditure of which has been inadequately checked by the State Auditing Board, and

Whereas, It has been currently reported in the newspapers of the state, and otherwise, that certain members of the State Board of Control have been interested in contracts for furnishing supplies for state institutions, and

Whereas, Said Board of Control has expended a large sum of money for an architect, contrary to the provisions of law, and

Whereas, Certain officials employed by the State Board of Control have been paid salaries in excess of those provided by the statute, and

Whereas, It is commonly known that two members of the State Board of Control have at no time resided at the capital, and have not devoted their entire time to the duties of their office, and

Whereas, It is but fair to the State Board of Control and the people of North Dakota, that the truth in regard to these rumors be ascertained, therefore,

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

That a joint committee of six (6), three (3) from the House and three (3) from the Senate, be appointed to investigate the truth of these rumors concerning the Board of Control, and

Be it Resolved, That the said joint committee be empowered to summon witnesses, to examine records and be clothed generally with plenary powers to investigate the condition of the state institutions which are under the control of the State Board, and

Be it Resolved, That a sufficient sum to carry on this investigation is hereby appropriated out of any moneys not otherwise appropriated in the general fund; that certified vouchers for mileage, witness fees, accountants and other expenses necessary for the investigation be paid out of the treasury of the state, after being properly approved by the chairman of the joint committee.

A CONCURRENT RESOLUTION.

[Thompson.]

Whereas, The twelfth day of February is a legal holiday under the laws of the State of North Dakota, and the United States of America, memorializing the birth and memory of our beloved Abraham Lincoln; now, therefore

Be it Resolved by the House of Representatives of the State of North Dakota, and the Senate Concurring:

That appropriate exercises be held on said day in the House chamber of the State Capitol at Bismarek, North Dakota, at two o'clock in the afternoon of said day, and that a committee of five be appointed, three from the House and two from the Senate, to arrange for said exercises.

There is hereby appropriated moneys out of the general fund of the State of North Dakota, not to exceed the sum of one hundred dollars (\$100.00), for the purpose of defraying the expenses of said exercises.

CONCURRENT RESOLUTION.

[Williams.]

Whereas, Through the courtesy of the Northern Pacific Railway Company, the state has had the use of the Northwest Hotel for committee rooms for the legislative assembly for the last two sessions; and

Whereas, It is not probable that the use of this building can be had for the legislative assembly of 1917, and,

Whereas, Committees of the next legislative assembly may be subjected to much inconvenience and the business of the legislative assembly delayed if committee rooms are not provided before the meeting of the legislative assembly, therefore

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

That the Board of Control be, and is hereby, instructed to secure, in time for the use of the next legislative assembly, a sufficient number of suitable rooms for the use of the committees of the House and Senate and furnish them with the necessary furniture and janitor service.

Be it Resolved, That this resolution be enrolled and copies of it be filed by the chief clerk with the Board of Control.

CONCURRENT RESOLUTION.

[Dickinson.]

Whereas, A careful and impartial review of the railway tax situation in this state fully demonstrates to any fair-minded man the strangling effects of the system, or lack of system, now in vogue on the weaker lines of railway, and

Whereas, There are many portions of the state more than twenty miles distant from any railway, and if such regions of the state are to develop their possibilities, branch lines are an imperative necessity, and

Whereas, It seems obvious that the much needed branch lines will not be built until investors are assured that such branch lines will be assessed for taxation purposes, only in proportion to their ability to pay, and

Whereas, The seeming impossibility of complying with the Constitution and the laws at the present time, as evidenced by the history of assessment and taxation in the state, makes the adoption of some system that would establish justice as between railways, a public necessity, and,

Whereas, The state has neither the money, the machinery nor the inclination to take an inventory of the railway property of the state in order to arrive at the inventory value, market value, price value or sales value of railway property; and further, as there is really no such thing as a sales price value for railroads, as shares, in railroads, are quite invariably divided into \$100.00 certificates, and the prices at which those certificates are sold at private sale, or on the stock markets, does not generally furnish an index for the market price of a railway system, for the reason that the range of the market for any commodity is narrowed by the infrequency of the demand for such commodity; by the indivisible bulk of the commodity and the amount of the price that must be paid in settlement for a single purchase. Therefore, for those reasons property for which there is an infrequent demand that is of the great invisible bulk, requiring a large amount of money for its purchase, cannot and does not have a ready marketable price or even value, for while "value," the term generally applied to property, the transfer of which is acknowledged by the execution of documents to be recorded as evidence of the transfer, would serve as a guide to the Board of Equalization in arriving at the "value" of real estate and other commodities of commerce for which records can be had—there is really no way to arrive at even the approximate value of railways unless their earning power is given first and full consideration, and

Whereas, All economists and students of revenue agree that it is next to impossible to arrive at the value of railroads for taxation purposes, unless the earning capacity of the railroads is given the fullest consideration. Prof. E. H. Meyer of the Interstate Com-

merce Commission, an able and impartial authority, said in a very thorough discussion of the various matters of taxing railroads, "Therefore, it was necessary to select from all the methods that one which promises the best results. This method is the gross earnings system basis for the distribution of values. In theory, it meets the requirements of the problem of the distribution of the values better than any of the other available methods, and in practice it has the advantage of depending upon information which the railway companies of the United States must furnish. Besides, it has received much more support among men who should be qualified to have correct judgment on matters of this kind than any other. In fact, practical unanimity exists regarding the preferences for the gross earnings method under all the circumstances." And again, in the same bulletin, on page 13, Prof. Meyer says, "An exhaustive study of the different methods leads to the conclusion that the gross earnings basis results in the most accurate assignment of the value of railway property possible." And again, "Manifestly, therefore, all measures of value of railway property aggregated into systems of useful dimensions are impracticable and fallacious, save a single one earning power; that is the power to make legitimate revenue for its owners. Such must always be the sole reliable measure of the value of all things not customarily bought and sold outright."

The Wisconsin Tax Commission in its report for 1910 on page 53 says, referring to railway taxation: "As to nearly all such properties, their capacity to produce revenue will be the dominant factor in ascertaining values, and for this reason, taxation according to value would not be different in results from taxation based directly upon income."

Dr. James E. Boyle, Professor of Economics, State University at Grand Forks, says in a discussion of the matter: "For the past ten years I have believed in the gross earnings method for railroads and other public utilities. The gross earnings system is just as between railroads; it enables the state to share increased earnings automatically, and encourages instead of retarding railroad construction, it is easily ascertained; it does not hamper or impose burdens upon a weak railway built into new territory until it is on an operating basis; it adjusts itself to varying economic conditions, fluctuating with the increase or diminution of business, thus following the rise and fall of property value; it affords a sure and staple revenue for the state, and

Whereas, The sworn reports filed by the different railway companies in complying with the regulations of the United States government, as well as state laws, show in detail the earning power of such railway, making it easy for the State Board of Equalization to arrive at a just basis in the levying and collection of railway taxes, and

Whereas, A review of the railway situation in North Dakota shows the manifest need of some available yardstick to measure

as nearly as may be the situation between the different railways, so that each may be taxed at least in a degree in proportion to its ability to pay and thus encourage the building of more branch lines," therefore,

Be it Resolved by the House, the Senate Concurring:

That the State Board of Equalization be requested to require each railway in the state to file with the said Board of Equalization by June 1, 1915, and each June first thereafter, a full and complete report of the gross earnings for the calendar year next preceding, and the term "gross earnings" is hereby defined and shall be construed to mean all earnings on business, beginning and ending within the state, and a proportion, based upon the proportion of the mileage within the state to the entire mileage over which such business is done, of earnings on all interstate business passing through, into or out of the state; in order that the said Board of Equalization may be able to give full consideration to gross earnings in equalizing the assessed value of the different railways to the end that approximate justice, as between railways, be administered, in matters of taxation.

A CONCURRENT RESOLUTION.

[T. Twichell.]

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

Whereas, The Congress of the United States has passed an Act, approved by the President May 8, 1914, entitled "An Act to provide for co-operative agricultural extension work between the Agricultural Colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," and

Whereas, It is provided in Section 3 of the Act aforesaid, that the grants of money authorized by this Act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this Act," therefore,

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

That the assent of the legislature of the State of North Dakota be and is hereby given to the provisions and requirements of said Act, and that the trustees of the North Dakota Agricultural College be and they are hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the North Dakota Agricultural College in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

CONCURRENT RESOLUTION.

[Hjelmstad.]

Memorializing the Congress of the United States to enact a law prohibiting the sending through the mails into any state where the sale or barter of intoxicating liquors is prohibited by law, any advertising matter of any kind or character whatever advertising the sale or barter of intoxicating liquors.

Whereas, It is repugnant to the citizens of this state to have such advertising matter forced upon them through the mails and thereby gaining access to the homes; and

Whereas, There are now fourteen states that have prohibited the sale or barter of intoxicating liquors and are thereby submitted to such repugnance and hardship; therefore,

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

That the Congress of the United States be, and the same is hereby earnestly memorialized and requested to enact a law prohibiting the sending through the mails into any state that has prohibited the sale and barter of intoxicating liquors any advertising matter of any kind or character whatever advertising the sale or barter of intoxicating liquors;

Be it Further Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate of the United States of America.

A CONCURRENT RESOLUTION.

Authorizing the Board of Trustees of Public Property to acquire for the state by purchase or by condemnation proceedings, in the name of the state, additional land for the Capitol Park site purposes and asking an appropriation therefor out of the capitol building fund.

Whereas, There was in the original plat, in the Capitol Park Addition to the capitol grounds at Bismarck, 950 lots; and

Whereas, There was sold, for the purpose of securing funds for the erection of the present capitol, therefrom 211 lots, and

Whereas, It seems meet and advisable that the State of North Dakota should own and control for capitol purposes the full allotted Capitol Park Addition of Bismarck; and

Whereas, The Legislature of the Thirteenth Legislative Assembly did, by Chapter 9 of its Session Laws, appropriate a sum, to-wit, five thousand dollars, in order that the Board of Trustees of Public Property may secure by purchase or condemnation proceedings

any of the lots of land which have been heretofore sold of the State Capitol Park Addition which in their judgment may be necessary for Capitol Park and site purposes; and

Whereas, The said Board of Trustees of Public Property, acting in conformity with the said provisions of Chapter 9 of the Session Laws for the year 1913, have purchased 48 lots for the sum of \$4,510 actual cost and \$463.75 of incidental expense incurred therewith; and

Whereas, There now remains 175 lots in the said Capitol Park Addition not owned by the State of North Dakota, and which lots at a fair estimate may be purchased and taken over by the State of North Dakota at an approximate cost of from \$15,000 to \$17,000, now, therefore,

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

That the Board of Trustees of Public Property are hereby authorized to secure by purchase or by condemnation proceedings for the state any lots or land which in their judgment might be necessary for the Capitol Park site purposes.

That there is hereby appropriated out of the capitol building fund the sum of \$5,000 annually, or so much thereof as may be necessary to carry out the provisions of this resolution.

A CONCURRENT RESOLUTION.

[Gibbens.]

Relating to National Inspection and Grading of Grain.

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

That, whereas, there is being considered by the Congress of the United States an Act providing for the uniform grading of grain and the proper inspection thereof; and

Whereas, This Act provides for an appeal being made to some higher authority than a local state board of grain appeals, thus giving to the producers and shippers of grain of North Dakota a right of review of the findings of such board of grain appeals; now, therefore.

Be it Resolved, That we urge our Representatives in Congress to support this principle enacted into law, and that a copy of these resolutions be sent to each of such Representatives in Congress.