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Number 247

## DAKOTA LEGISLATURE.

Thirteenth Session—Daily Report of the Proceedings of the Council and House of Representatives.

### THIRTIETH DAY.

#### GENERAL COMMENTS.

Mr. Day introduced a bill in the council this morning for the relief of Fred Wells late treasurer of Bon Homme county. Mr. Wells had considerable county money in Farmer's bank at the time of its failure, and the bill proposes to relieve him from responsibility of the loss sustained by that failure.

Mr. Gamble to-day introduced into the house an apportionment bill which is the same as the one introduced into the council by Mr. Kuykendall with these exceptions: It gives to Yankton county one member of the council and three of the house; to Lawrence county one member of the council and four members of the house; to Minnehaha county one member of the council and two members of the house and takes McCook county from the Minnehaha county district; to Pennington and Custer counties one member of the council and one member of the house; and it takes Stutsman county out of the ninth district and places it in the eleventh district. The bill is otherwise the same as the one introduced by Mr. Kuykendall and given by us in brief in yesterday's issue. Gamble's bill is better suited to the temper of the house than Kuykendall's bill.

#### THE COUNCIL.

Wednesday, Feb. 12—The council met at 10 o'clock a. m., and was called to order by the president.

Prayer by Chaplain Potter.

Roll called; members all present.

Minutes of yesterday's proceedings were read and approved.

#### REPORTS OF COMMITTEES.

Mr. MacNider reported council bills 33 and 68 correctly enrolled.

Mr. Valentine, from the committee on territorial affairs, reported back house file 12, relating to fences in the Black Hills counties, without recommendation.

Mr. Roberts, from the judiciary committee, reported back house files 45, 48 and 34, and council bill 66, with amendments; and recommended the passage of council bill No. 64.

Mr. Cuppett, from the committee on immigration reported back council bill 22, to which amendments had been made by the house, and recommended that the council do not concur in said amendments.

On motion of Mr. Kuykendall, the report of the committee was adopted.

#### INTRODUCTION OF BILLS.

By Mr. Cuppett—A bill for an act to authorizing school district No. 45 in Lincoln county to issue bonds to build a school house.

By Mr. Roberts—A bill for an act to prescribe fees for the secretary of the territory in certain cases.

Which bills were read a first time.  
SECOND READING OF BILLS

The following council bills were read a second time and referred as follows:

No. 74—Relating to the smoking of opium, to the judiciary committee.

No. 75—To amend chapter 10 of the political code, to the committee on judiciary.

No. 76—To amend section 93 of the justice code, to the committee on judiciary.

No. 78—To divide the territory into council and representative districts and apportion the representation therein.

Mr. Edmunds moved that the bill be referred to the joint committee on apportionment.

Mr. Kuykendall suggested that the bill be referred to a special committee of the council, to the end that prompt action may be had thereon. He stated that thus far all attempts to get the joint committee together had failed, and as the session was drawing to a close it was necessary to place the bill in the hands of a committee which would attend to it at once. He moved that the bill be referred to a select committee, and it was so ordered.

Mr. Edmunds stated that as a member of the joint committee on apportionment, he was always ready to meet with that or any other committee of which he was a member, and that as far as this committee was concerned he had never been notified that it desired a meeting. He thought justice and courtesy required that the measure before the council should be committed to that committee.

Mr. Kuykendall stated his remarks referred more especially to the house members of the committee. It was the membership of the committee from that body that couldn't be got together.

Mr. Roberts concurred in the statements made by Mr. Kuykendall.

On motion, the reference of the bill to a special committee was reconsidered and the bill referred to the joint committee on apportionment, with a request to examine the bill and report to-morrow morning.

No. 79—For the protection of labor, to the committee on judiciary.

No. 80—To amend sections 323, 324 and 325 of the code of civil procedure, to the committee on judiciary.

No. 81—To exempt volunteer firemen from service as jurors and the payment of poll tax, to the committee on highways, bridges and ferries.

#### MESSAGE FROM THE HOUSE.

A message from the house announced the passage of council bill 24, the penitentiary bill, with amendments, and council bill No. 59, amending the charter of the city of Fargo with amendments, also, the passage of house files 69, 70, 50, 59, 83 and 61, and the concurrence in the council amendments to house file No. 18.

On motion of Mr. Pettigrew the council

occurred in house amendments to the penitentiary bill.

#### THIRD READING OF BILLS.

Council bill No. 66—To amend section 6 of chapter 5 of the political code relating to the bonds of officers, was read a third time, the amendments recommended by the judiciary committee adopted, and the bill passed.

Council bill No. 64—Authorizing Lawrence county to fund its outstanding indebtedness. Passed.

#### HOUSE BILLS.

The following house bills were read a second time and referred as follows:

No. 26—Regulating the time and manner of making fire guards, to the committee on highways, bridges and ferries.

No. 43—Providing for the expenses of the territorial library, to the committee on finance and expenditures.

No. 55—To annex certain territory to the Yankton city school district, to the committee on education.

#### COMMITTEE OF THE WHOLE.

The council at 11 o'clock went into committee of the whole, Mr. Cuppett in the chair, on council bill No. 56, relating to public education.

On motion of Mr. Roberts, the first five sections of the substitute offered yesterday by Mr. Walsh, were adopted.

After a number of motions in regard to the salary of the territorial superintendent, proposing respectively to make the salary from \$100 to \$1,000 a year, on motion of Mr. Edmunds, the salary was fixed at \$600 a year.

On motion of Mr. Pettigrew, it was voted that the salary and allowances of the territorial superintendent shall not exceed \$1,000 a year.

On motion of Mr. Day, section seven of the substitute was so amended as to give county superintendents and district school officers the exclusive right to select text books.

The sections of the bill up to twenty-nine were read and slightly amended, when on motion of Mr. Kuykendall the committee rose, reported progress and asked leave to sit again.

The report of the committee was adopted, and the further consideration of the bill made the special order at 11 o'clock to-morrow.

#### INTRODUCTION OF BILLS.

Mr. Day asked and obtained leave to introduce a bill for an act for the relief of Frederick Wells in the matter of his accounts as treasurer of Bon Homme county.

#### ADJOURNMENT.

On motion of Mr. Rohr, the council at 1 o'clock p. m., adjourned until 10 o'clock to-morrow morning.

#### THE HOUSE.

The house convened, pursuant to adjournment, at ten o'clock a. m.

Mr. Speaker in the chair.

Prayer by the chaplain, Rev. J. P. Coffman.

Roll call showed all members present.

The Journal of yesterday's session was read and approved.

#### COUNCIL MESSAGE.

A message was received from the council announcing the passage, with amendments, by the council, of house files 2 and 57; also the passage without amendment, by the council, of house files 27, 40 and 47; also that the council had concurred in the house amendments to council bills 83 and 38; also that the council had indefinitely postponed the resolution for an adjournment of the legislature.

#### COMMITTEE APPOINTED.

The speaker announced as the committee to examine house file 53 and council bill 40 Messrs. Fockler, Langness, Mauksch, Walton and Whitfield.

#### PETITION AND REMONSTRANCE.

Mr. Whitfield presented a petition from residents of Lawrence county setting forth defects in the law for the protection of mechanics and asking that the law be amended.

Mr. Flick presented a remonstrance against the division of Lawrence county, from citizens of Lawrence county.

#### COMMITTEE REPORTS.

Mr. Stewart, from the committee on territorial affairs, reported back house file 63 with a recommendation that it pass; also house file 64 with a recommendation that it do not pass; house file 66 with amendments and a recommendation that it pass as amended; also house file 21 with amendment and a recommendation that it pass as amended.

Mr. Walton from the committee on engrossment and enrollment, reported that house files 6, 19 and 23 had been sent to the governor for his signature; also that house files 18 and 23, memorials, had been filed with the secretary.

Mr. Gray, from the railroad committee on railroads, reported back house file 3, enacting a railroad law for Dakota, with a recommendation that the house concur in the council amendments thereto. On motion of Mr. Burbank, the house concurred in the amendments.

Mr. Gamble, from the committee on judiciary, reported back house file 63 with amendments and recommended that it pass as amended.

Mr. Whitfield, from the committee on mines and mining, reported back council bill 58 and house file 58 with a recommendation that they pass.

Mr. Flick, from committee on highways, roads and bridges, reported back council bill 60 with a recommendation that it pass.

Mr. Langness, from the special committee to whom was referred council bill 52, reported the same back with amendments and recommended its passage as amended.

#### INTRODUCTION OF BILLS.

H. F. No. 72—By Mr. Gray—For an act concerning leins.

H. F. No. 73—By Mr. Gamble—For an act to amend section 640 of the code of civil procedure.

H. F. No. 74—By Mr. Gamble—For an

act to amend chapter 48 of the political code, relating to legislative apportionment. On motion of Mr. Burbank, the rules were suspended and the bill passed to its second reading and was referred to the committee on apportionment.

H. F. No. 75—By Mr. Maukseh—Relating to the restoration of survey lines and mounds along the western boundary of Yankton county.

H. F. 76—By Mr. Gamble—For an act to amend section 2 and 3 of chapter 39 of the political code.

CONCURRED IN.

On motion of Mr. Flick, the house concurred in the council amendments to house file two.

On motion of Mr. Stephens, the house concurred in the council amendments to house file 57.

COUNCIL BILLS.

Council bill 45, relating to revenue, was referred to a special committee consisting of Messrs. Fockler, Trygstad and Shely.

Council bill 65, fixing the terms of office of Lawrence county commissioners, was referred to the committee on immigration on motion of Mr. Whitfield.

Council bill 58, providing for the appointment of a fire warden in the city of Deadwood, was read a third time, and passed by unanimous vote.

Council bill 52, providing a board of education for Sioux Falls, was read a third time and passed, as amended by the house committee, by unanimous vote.

Council bill 60, prescribing regulations for the execution of the trust arising under the act for the relief of occupants of public lands, had its third reading and was passed by a vote of 25 to 1, Mr. Johnson voting in the negative.

HOUSE BILLS.

House file 73, to amend section 640 of the code of criminal procedure, was referred to the committee on judiciary, on motion of Mr. Stephens.

House file 71, to amend section 37 of the act establishing the Yankton board of education, was under suspension of the rules, read a third time and passed by a unanimous vote.

House file 58, establishing the county of Howard, was laid over until to-morrow on the request of Mr. Flick, who desired to make a minority report thereon.

House file 63, creating the office of reporter of the supreme court, passed as amended in committee, by a vote of 14 to 10.

House file 21, providing for a superintendent of weights and measures, passed, as amended in committee, by unanimous vote.

House files 23 and 57 were referred to the committee on enrollment.

House file 68 was laid on the table until to-morrow, on motion of Mr. Gamble.

The report of the committee that house file 52, to amend section 9 of chapter 38 of the political code, does not pass, was adopted, on motion of Mr. Husboe.

The report of the committee that house file 64, do not pass was laid on the table, on motion of Mr. Stephens and the bill being put upon its final passage, was lost by a vote of 21 to 5.

House file 51 was made the special order for Saturday at eleven o'clock a. m., on motion of Mr. Langness.

The committee on townships and counties was instructed to make a report to-morrow on house file 26, on motion of Mr. Fockler.

The committee having in charge house file 29 was instructed to report the same to-morrow, on motion of Mr. Stewart.

ADJOURNMENT.

On motion of Mr. Burbank, the house, at 11:50 a. m., adjourned to ten o'clock a. m., February 13th.