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DAKOTA LEGISLATURE.

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

THIRTY-SIXTH DAY.

THE COUNCIL.

Tuesday, February 18. Council met at 10 o'clock, a. m., and was called to order by the president.

Prayer by the chaplain.

Roll called; members all present.

The minutes of yesterday's session were read and approved.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on agriculture, reported house file No. 30, in relation to the county seat of Union county, without recommendation.

Also, house file No. 21, providing for the appointment of a superintendent of weights and measures, with a recommendation that it do not pass.

Mr. MacNider reported house file 50, with amendments, and recommended its passage as amended; also that council bills Nos. 34 and 60 were correctly enrolled.

Mr. Day, from the committee on highways, bridges and ferries, reported house file 26 with a recommendation that it pass.

Mr. Valentine, from the joint committee on enrolled, reported that he had presented to the governor for his action thereon council bill 35, to organize civil townships and provide for the government thereof.

NOTICE OF BILLS.

By Mr. Miner—To regulate time of holding courts in the second judicial district.

By Mr. Valentine—To amend the code of criminal procedure in regard to change of place of trial.

INTRODUCTION OF BILLS.

By Mr. Ellis—To amend section 6 of chapter 21 of the political code, relating to the location of county seats.

By Mr. Cuppett—To provide for a general term of the district court in Lincoln county.

By Mr. Rohr—In relation to the compensation of county commissioners.

By Mr. Valentine—To increase the compensation of county treasurers.

By Mr. Roberts—To provide the time for which the assistant clerks of the legislative assembly shall be paid.

By Mr. Edmunds—To legalize the act of the territorial treasurer in paying 10 per cent. interest.

MESSAGE FROM THE HOUSE.

A message informed the council that the house had passed council bills 16 and 73 with amendments and laid 46 on the table; also, house files 25, 51, 53, 58, 67, 68, 81 and 82; and that the house had appointed as a conference committee on council bill 22, Messrs. Trygstad, Webber and Cross.

On motion council bill 16, to which amendments were made by the house, was referred to the judiciary committee.

READING OF BILLS.

The following council bills were read a second time and disposed of as indicated: No. 93, to authorize the printing of the general laws of the territory in newspapers, to the committee on finance and expenditures.

No. 94, to provide for the care of the territorial library, to the committee on finance and expenditures.

No. 97, defining the boundaries of the third judicial district and fixing terms of court therein, was passed under suspension of the rules.

No. 98, providing for the sale of unclaimed property, to the committee on judiciary.

No. 99, to incorporate the city of Sheridan, to the committee on counties.

No. 100, to amend certain sections of the political code, to the committee on judiciary.

HOUSE BILLS.

House files 35, 51, 53, 67, 81 and 82 had their first reading.

No. 28, to organize Howard county out of Lawrence county, was on motion of Mr. Kuykendall indefinitely postponed.

No. 68, to authorize the counties of Minnehaha, Brookings, Moody and Lake, to issue bonds to build school houses; passed under suspension of the rules.

No. 80, to define the boundaries and organize the county of Bruce, referred to the committee on counties.

THIRD READING OF HOUSE BILLS.

No. 91, providing for the appointment of a superintendent of weights and measures. Lost.

No. 26, regulating the time and manner of making fire guards. Passed.

No. 30, in relation to the county seat of Union county, was, on motion of Mr. Rohr, indefinitely postponed.

No. 50, to authorize Burleigh county to issue bonds for the purpose of building a court house and jail. Passed.

MESSAGE FROM THE HOUSE.

A message announced the passage by the house of house file 91, in relation to the per diem of the clerk of the district court of Yankton county. The bill cuts off the per diem of \$5 now paid by the county to the clerk.

TAKEN UP.

On motion of Mr. Roberts, council bill 106, fixing the time for which the assistant clerks of the legislature shall be paid was taken up and passed. The bill allows the clerks pay for forty days.

Mr. Edmunds moved to take up house bill 91, in relation to the per diem of the clerk of the district court of Yankton county, and that the rules be suspended and the bill put upon its final passage, which motion did not prevail.

Council bill 81, relating to the compensation of officers in the first judicial district, was, on motion, of Mr. Kuykendall, read a second time and referred to the committee on judiciary.

On motion of Mr. Rohr, council bill 103 in relation to the compensation of county commissioners, had its second reading and was referred to the committee on counties.

THE VETO MESSAGES.

The message of the governor received yesterday giving his reasons for withholding his approval from council bill 23, relating to corporations was taken up. The provisions of the vetoed bill relate particularly to such corporations as exist in a mining country—ditches, mill sites, etc.

Mr. Kuykendall spoke at length in favor of the bill and defended its provisions.

Messrs. Pettigrew and Miner also defended the bill and urged its passage over the veto.

The roll being called on the question, shall the bill pass the objections of the governor to the contrary, the vote stood: Ayes—Messrs. Cuppett, Day, Kuykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr. President—10. Noes—Messrs. Edmunds, Ellis and Wynn—3.

The necessary two-thirds having voted in the affirmative, the bill was declared passed, notwithstanding the objections of the governor.

The governor's message vetoing council bill No. 44, which confers upon justices of the peace final jurisdiction in cases of assault and battery and petit larceny, was then taken up, and Messrs. Roberts, Pettigrew, Kuykendall and Miner spoke in favor of the passage of the bill.

The question being put, shall the bill pass the objections of the governor to the contrary, the vote stood: Ayes—Messrs. Cuppett, Day, Kuykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr. President—10. Noes—Messrs. Edmunds and Ellis—2. Mr. Wynn, not present.

So the bill was declared passed.

QUICK WORK.

A message was received from the house announcing the passage of council bill 106, fixing the length of time for which the assistant clerks shall be paid. This bill was introduced in the council this morning and passed under a suspension of the rules, and within half an hour from the time it was transmitted to the house, the council was made acquainted with the fact the house had gladdened the hearts of the assistant clerks by passing the bill under a suspension of the rules.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of council bill No. 38, to organize civil townships and provide for the government thereof.

ADJOURNMENT.

On motion of Mr. Miner, the council adjourned until 10 o'clock to-morrow morning.

THE HOUSE.

YESTERDAY AFTERNOON'S PROCEEDINGS. The house met again at 2 p. m.

Mr. Whitfield asked that the report of the special committee on council bill 23 be read by the clerk. It was read.

Mr. Whitfield then moved that Mr. Flick be appointed on the special committee to confer with the council committee on that bill. Passed.

Mr. Burbank objected, and demanded a call of the house, which showed five absent—Fockler, Gamble, Gray, Hoyer and Johnson. The sergeant at arms soon waltzed the delinquent ones up, and the call of the house was suspended.

Mr. Whitfield then motioned again. Messrs. Gray and Burbank then talked rather loudly in opposition to the motion. Mr. Brown followed suit as to earnestness but on the other side of the question. Mr. Gray was astounded and astonished again at Messrs. Brown and Whitfield for some minutes.

The report of the committee was read.

The speaker ruled all proceedings on this question out of order until something was heard from the council.

The house now went into

COMMITTEE OF THE WHOLE.

on consideration of house file 98, relating to the establishment of Howard county. Mr. J. H. Hand and others addressed the committee. After a short session the committee rose, reported the bill back and recommended its passage. The report was adopted, and the bill was passed.

PROOFS CALLED FOR.

A resolution was adopted that the bill of C. J. B. Harris, for services rendered the territory in revising the codes, be procured of the secretary of the territory, by the chief clerk, which was adopted.

FIRST READING OF BILLS.

Council bill 71, for an appropriation for the completion, furnishing, etc., of a hospital for the insane and a penitentiary. Council bill 74—concerning the smoking of opium.

Council bill 77—concerning the compensation of the judge of the first judicial district.

Council bill 69—concerning the issue bonds for the erection and maintenance of a hospital for the insane.

SECOND READING OF COUNCIL BILLS.

Council bill 83, authorizing school district No. 45, Lincoln county, to issue bonds for the building of school houses, &c. Referred to the committee on education.

Council bill 81—exempting voluntary firemen from acting as jurors and from paying poll tax. Referred to committee on territorial affairs.

Council bill 72—providing for and authorizing a board of education for the village of Fargo. The rules were suspended, the bill read a third time and passed.

THIRD READING OF COUNCIL BILLS.

Council bill 46—to amend chapter 28 of the political code, came up with two reports from a special committee, the majority report recommending its passage, and the minority report against it. On motion it was laid on the table.

Council bill 16, with amendment, for the protection of stock, &c., reported from special committee. The report was adopted, and the bill was passed.

BILLS SENT TO THE GOVERNOR.

House files 3, 48, 56 and 70 have been sent to the governor for his action thereon.

COUNCIL BILL THIRTY-EIGHT

was reported correctly enrolled, and was subsequently signed by the speaker.

SECOND READING OF HOUSE BILLS.

House file 81—regulating the compensation of public officers in the first judicial district. The rules were suspended and the bill was passed.

House file 82—a memorial to congress concerning coal mines in Morton county. The rules were suspended and the bill was passed.

THIRD READING OF HOUSE BILLS.

House file 35—to amend section 36 of the code of civil procedure. The bill was passed with amendments.

House file 68—Authorizing certain school districts to issue bonds. Reported from the committee on education, with amendments.

House file 67—In regard to highways. Reported without amendment and passage recommended. Passed.

House file 51—Reported back with sundry amendments. The report was adopted, more amendments adopted, and the bill was passed. This is the liquor bill.

UNFINISHED BUSINESS.

Mr. Stephens wanted the committee to which was referred council bill 39, to report this afternoon. Not being able to do so, the committee was instructed to report at the regular hour to-morrow.

COMMITTEE OF THE WHOLE.

The house then went into committee of the whole on house file 24. After much argument upon the validity of Harris' claim the committee rose, reported progress, and asked leave to sit again. The report was adopted, and the house adjourned until ten o'clock to-morrow.

TO-DAY'S PROCEEDINGS.

The house met pursuant to adjournment at ten o'clock.

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.

PETITIONS AND COMMUNICATIONS.

Mr. Whitfield introduced a petition signed by about sixty persons in Lawrence county protesting against the passage of their local fee bill until its contents could be ascertained by them.

A message was received from the council, announcing the return of house files 7, 69, 77, 89 and 54 (substitute). Also that the council had rejected house files 12 and 32. Also that the council had amended the house amendments to council bill 63 and had passed the same thereunder. The house amendments to council bills 28 and 82 were concurred in. Also announcing that the president of the council has appointed a new conference committee on council bill 22, and transmitting council bills 36, 37, 83, 90, 95, 96, 85, 56, and 97, which have all passed.

REPORTS OF COMMITTEES.

Mr. Stephens, from the committee to which was referred house file 78, presented a majority report which amended the same, and recommended its passage. Mr. Peterson presented a minority report recommending that it do not pass.

Mr. Huseboe reported back council bill 39 with amendments.

Mr. Gamble reported back house file 10, and recommended its passage with amendments.

Mr. Walton from the enrollment committee reported back house files 34, 35 and 59 as correctly enrolled.

Mr. Whitfield, from the committee to which was referred council bill 40, reported the same back and recommended that it be indefinitely postponed. On motion the report was adopted.

BILLS INTRODUCED.

Bills were introduced as follows:

By Mr. Gray—House file 90, providing for the compensation of attorneys in certain cases.

By Mr. Simonsen—House file 91, relating to the per diem of the clerk of the district court for Yankton county.

By Mr. Brown—House file 92, for funding the indebtedness of Hutchinson county and for other purposes.

By Mr. Burbank—House file 93, to attach the county of Kingsbury for educational purposes. Also house file 94, to provide for bonding the outstanding indebtedness of Hutchinson county.

By Mr. Langness—House file 95, to amend section 647 of the civil code, and to incorporate the village of Dell Rapids.

House file 97, to amend chapter 13, political code, setting the boundaries of the third judicial district.

On motion the rules were suspended and house file 91, relating to the per diem of the clerk of the district court of Yankton, was read a second and third times and passed.

By Mr. Langness—House file 95, to amend section 647 of the civil code, and house file 96 to incorporate the village of Dell Rapids. This bill was then read a second and third times and passed, under suspension of the rules.

Mr. Brown moved the rules be suspended and house file 92, to fund the indebtedness of Hutchinson county be read a second time by title, which was done.

Mr. Burbank moved that it be referred to the committee on immigration, which was done, and a similar bill introduced by him was referred to the same committee.

COMMITTEES APPOINTED.

The council appointed as a committee of conference on the bill regarding the expenses of the territorial library, Messrs. Edmunds, Miner and Rbor. The house committee consists of Gamble, Burbank and Brown.

BILLS SIGNED.

The speaker to-day signed house files 34, 35 and 59. Also council bills 60 and 34.

GENERAL.

On motion the amendments by the council to house file 54 were concurred in.

The rules were then suspended and a motion was made that house file 82 be taken from the table, and referred to the committee on agriculture. On examination disclosed the fact that it was not on the table.

Mr. Gamble, by consent of the house, introduced house file 97, a bill to amend chapter 13 of the political code, relating to the subdivision of the judicial districts. On motion, it was referred to the judiciary committee.

FIRST READING OF COUNCIL BILLS.

Council bill 56—For the establishment of a public school law for the territory of Dakota. On motion, the rules were suspended and it was referred to the committee on education.

Council bill 86—To amend section 665 of the code of criminal procedure.

Council bill 90—Authorizing the village of Fargo to issue bonds for certain purposes.

Council bill 88—Authorizing certain school districts to issue bonds.

Council bill 87—To amend section 36, chapter 27, of the political code.

Council bill 95—Authorizing the board of education of the city of Sioux Falls to fund its indebtedness.

Council bill 96—Vacating the town plat of the town of Valley Springs. The rules were suspended and the bill was passed.

C. B. 85—For the relief of Frederick Wells, the treasurer of Bon Homme county. On motion the rules were suspended, and the bill was referred to the committee on immigration.

SECOND READING OF COUNCIL BILLS.

C. B. 69.—This is the insane hospital bill. On motion referred to the committee on judiciary.

C. B. 77—Providing for extra compensation for the judge of the first judicial district. Referred to the committee on judiciary.

C. B. 74—Regarding the smoking of opium. The rules were suspended, and the bill passed.

C. B. 71—This is another insane hospital and penitentiary bill. Rules suspended, and referred to committee on judiciary.

C. B. 84—Concerning fees for the secretary of the territory in certain cases. On motion the bill was laid on the table until to-morrow.

C. B. 86—Regarding the city of Bismarck. The rules were suspended, and the bill passed.

C. B. 97—Defining the boundaries of the third judicial district. The rules were suspended, and the bill passed.

RECESS.

A motion to take a recess was quickly and ably seconded, and the house adjourned until 2 o'clock.