



DAKOTA'S LEGISLATURE.

The Press and Dakotian's Report of the Proceedings of the Council and House of Representatives.

Fourteenth Session—18th and 19th Days.

Council.

Saturday, January 29.—The council met at 10 o'clock a. m., and was called to order by the president.

Prayer by the chaplain.

Roll call showed all the members present except Messrs. Walsh and Wiggins.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported that council bill six, providing extra compensation for the judge of the first judicial district, had been presented to the governor.

INTRODUCTION OF BILLS.

By Mr. Smith—For an act making the town plat of Edwinton the legal plat of the city of Bismarck.

By Mr. Shaw—For an act to amend the act creating a school board for Sioux Falls.

Also, for an act to amend the school law for the territory of Dakota.

COUNCIL BILLS.

The following council bills were read a second time.

No. 34, to amend the act incorporating the city of Elk Point; placed on file for third reading.

No. 36, to amend section 1,804 of the civil code; to the committee on judiciary.

No. 38, to amend section 7, chapter 30 of the political code; placed on file for third reading.

MESSAGE FROM HOUSE.

A message from the house announced the passage by that body of council bill two, being the penitentiary bill, with amendments; council bill 14, asking for the repeal of the act of congress requiring the printing of proving-up notices; also, house file 34, and asking the concurrence of the council therein.

Council bill two, with the house amendments, coming up for consideration, the bill and amendments were, on motion of Mr. Wilson, referred to the proper committee for enrollment.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of council bill seven, authorizing the commissioners of Lincoln county to settle with Geo. W. Naylor, ex-county treasurer, and council bill nineteen, making county commissioners boards of health for their respective counties.

ADJOURNMENT.

On motion of Mr. Wilson the council adjourned until 7 o'clock Monday evening.

House.

AFTERNOON SESSION.

Friday, Jan. 28.—The house was called to order at two o'clock by the speaker and the roll call showed all the members in their seats. There was an unusually large attendance of spectators, many ladies being present, it being understood that the house would take up house bills one and eight, providing for an amendment to the railroad tax law, repealing the present enactment prescribing a tax upon the gross earnings of railroads and substituting a direct tax upon the property of the railroad companies operating within the territory.

COMMITTEE OF THE WHOLE.

Upon motion of Mr. Boyles, the house went into committee of the whole, Mr. Thorne in the chair.

MESSAGE FROM THE GOVERNOR.

The governor transmitted, by his private secretary, a communication to the house, returning house bills, two, three and thirteen, for correction, together with his reasons therefor.

COMMITTEE DOINGS.

The special order being the consideration, in committee of the whole, of house bills one and eight, amendatory of chapter 46 of the laws of 1879, relating to railroad taxation, Mr. Van Osdel moved that section one of house file eight be adopted as amended in committee.

Mr. Baynes, who introduced house file eight, spoke in opposition to the passage of his bill. He explained that a recent thorough examination of the subject had greatly modified his judgment and he now considered it his duty to himself and his constituents to oppose both these bills. He took the responsibility of saying that he should vote against them.

Mr. Wells delivered a statistical and argumentative address in opposition to the measure before the committee, quoting largely from the laws and reports of states operating under the taxation system now in vogue in Dakota and the evidence was all in favor of the law.

Mr. Donaldson announced that by an investigation of the subject he had become a convert to the opposition of the repeal of the present law and should vote against the bill.

Mr. Ellefson took a common sense view of the proposition, and in justice to his constituents and the railroad companies, he was in favor of postponing all action upon the measures before the committee. Mr. Ellefson moved that the committee of the whole recommend to the house the indefinite postponement of house files one and eight.

Mr. French delivered an elaborate address upon the popular side—in opposition to the measure before the committee and fortified his position, with figures and facts drawn from the records of the three counties through which the old Dakota Southern road runs. His statistics showed that the counties referred to received a larger tax from the railroad under the present law than under the old one.

Mr. Inman was not instructed by his constituents and should do what he

he thought was right. It was his opinion that the bill should pass and he would vote for it because he believed it to be a just measure.

Mr. Kennedy had no apology to offer for his position upon this question. He took a position which he believed to be founded upon right. After having induced railroads to cross our border it did not become us to act in bad faith with them. He was therefore opposed to the passage of the bills under discussion.

Mr. LaMoure moved as an amendment to Mr. Van Osdel's motion that the committee rise and report house files one and eight with a recommendation that further consideration thereof be indefinitely postponed.

The amendment was adopted by a vote of eighteen to five and the motion as amended was adopted.

THE COMMITTEE ROSE.

and reported to the house in accordance with the foregoing action.

Mr. Boyles moved that the report of the committee be adopted, when Mr. Van Osdel moved as a substitute thereto that the report of the committee on ways and means on house file eight be adopted.

The report of the committee on ways and means recommended the passage of the bill.

Mr. French moved that the substitute be laid upon the table and it was so ordered.

Mr. La Moure moved the previous question, which was sustained.

The report of the committee was then adopted—ayes—Baynes, Boyles, Cross, Dickey, Donaldson, Ellefson, French, Hale, Kennedy, La Moure, Landman, McBratney, Miller, Nomland, Thielman, Thorne, Warner, Wells, Mr. Speaker—19; noes—Inman, Moore, Rohr, Thompson, Van Osdel—5.

On motion of Mr. Boyles the vote by which the report was adopted, was reconsidered and the motion to reconsider was laid upon the table.

ADJOURNMENT.

The house, at 4:30 p. m., adjourned to ten o'clock to-morrow morning.

House.

Saturday, Jan. 29.—The house convened at ten a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all the members in their seats excepting Messrs. Cross, Landman, Moore, Rohr, Van Osdel and Thompson.

On motion of Mr. La Moure, the absentees were excused and Mr. Landman was excused until Monday, on motion of Mr. Dickey.

DEFECTIVE BILLS.

The communication of the governor, received yesterday, was called up by Mr. La Moure and was read by the clerk. It referred to house bills 13, 2 and 3, which were returned to the house by his excellency without approval or signature, for the reason that they were not correctly engrossed. They were full of errors in orthography, capitalization and punctuation and should be corrected before becoming laws.

Mr. LaMoure called for an explanation by the committee on engrossment.

Mr. Kennedy, chairman of that committee, recognized the fact that the bill had been poorly engrossed. He knew the orthography was incorrect and other errors existed. The committee had thought best to let a bill or two take its course that the house might recognize the existing difficulty.

Mr. LaMoure was of the opinion that the house should take some action in the matter.

Mr. Nomland did not feel that the house should take any sudden action. He had presented the name of the clerk, but knew nothing of his qualifications and had no apologies to make. He thought the clerk should have another trial.

The subject was discussed at length by Messrs. French, Kennedy, Nomland, Boyles, Inman, Dickey, Wells, and Thorne, and finally Mr. Wells moved that the engrossing clerk be given until Monday in which to tender his resignation.

Mr. Thorne moved to amend the motion by making the time 11 o'clock to-day.

Mr. Ellefson moved as an amendment to the amendment that the engrossing clerk be given his choice between resigning and employing a competent assistant. The time was also amended to twelve o'clock.

Mr. French moved to lay the amendment to the amendment upon the table and the motion was lost—13 to 4.

Mr. Ellefson's amendment was voted upon and adopted, and the speaker ruled that the adoption of the amendment to the amendment carried with it the entire question.

Mr. La Moure moved that a special committee of three be appointed to carry into effect the motion just adopted and to report at 12 o'clock. The motion was adopted and Messrs. La Moure, French and Thielman were appointed as such committee.

RECESS.

On motion of Mr. Wells the house at 11:30, took a recess till twelve o'clock m.

AFTER RECESS.

Mr. La Moure, from the special committee appointed to examine into the work of the engrossing clerk, reported that the said clerk, with the assistance which he had procured, expected to have all the business of the house in shape by Monday morning, and the committee hoped the house would treat the case leniently.

Mr. La Moure moved that all the proceedings in this matter and all reference thereto be stricken from the minutes, which was adopted.

The report of the special committee was then adopted.

ADJOURNMENT.

The house, at 12:05 adjourned till 10 o'clock Monday morning.