

DAKOTA'S LEGISLATURE.

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

Fourteenth Session—29th and 30th Days.

House.

AFTERNOON SESSION.

Tuesday, Feb. 8—The house was called to order at two p. m.

Mr. Speaker in the chair and all members in their seats.

COMMITTEE OF THE WHOLE.

On motion of Mr. Boyles, the house went into committee of the whole on the special and general order, Mr. French in the chair.

The special order was house file twenty-three, providing for a modification of the exemption law.

On motion of Mr. Boyles, the general order was first considered and council bill forty-four, to provide for the collection of costs, in certain criminal proceedings, was first considered. The committee finally agreed to report the bill back with a recommendation that it pass.

Council bill forty-five, amending section one of chapter twenty-two of the political code, was considered and the committee agreed to report it back with a recommendation that it pass.

Council bill forty-six, to amend section fourteen of chapter twenty-one of the political code, received the same action.

House file fifty-six, to repeal certain sections of the funding act of Lawrence county so as to permit the issue of warrants in lieu of certificates of indebtedness when there is no money in the treasury with which to pay them, was referred back to the house with a recommendation that it pass.

Council bill fifty-eight, to repeal section fourteen of chapter thirty-nine of the political code, was reported back with a recommendation that it pass.

House file thirty-six, to amend section eighteen of chapter twenty-one of the revised codes, relating to counties and county officers, received consideration. In its original form it specified that commissioners should not consume more than thirty days in each year in public business, except in case of the prevalence of plagues. It was finally recommended for passage with amendments changing thirty days to thirty-six days, exempting Pembina county from the provisions of the act and granting to the commissioners of Lawrence, Pennington, Custer, Clay and Turner sixty-four days in each year for the transaction of business.

House file seventy-five, regulating the sale, purchase and disposition of live stock in the Black Hills counties, was considered, amended and recommended to pass.

The special order, house file twenty-three, containing modifications of the exemption law, was discussed at length in the committee.

Finally Mr. Ellefson moved that the bill be reported back with a recommendation that it be indefinitely postponed, but the motion was lost. Mr. Dickey then moved that the bill be committed to the judiciary committee with instructions to report a substitute and the recommendation was carried. At four o'clock p. m.

THE COMMITTEE ROSE

and reported to the house the foregoing action, and on motion of Mr. La Moure, the report was accepted and adopted.

SUSPENSION OF THE RULES.

On motion of Mr. Kennedy, house file eighty-six, vacating the town plat of Madison, Lake county, was brought up for its several readings and final passage, and was passed by unanimous vote.

NOTICE OF BILL.

Mr. Wells, by unanimous consent, gave notice of his intention to introduce a bill to amend the act relating to the manner of voting and the form of ballots.

ADJOURNMENT.

At 4:15 the house adjourned until ten o'clock Wednesday morning.

Council.

Wednesday, February 9.—The council met at 10 a. m.

The president in the chair.

Prayer by the chaplain.

Boll call—members all present.

Minutes read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, announcing his approval of council bill two, providing for a penitentiary at Sioux Falls.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported a large number of bills correctly enrolled, and that certain bills had been presented to the governor.

Mr. Shaw, from the committee on finance and expenditures, reported back house file 33, authorizing the county of Hutchinson to fund its indebtedness and legalize warrants issued by the late county of Armstrong, with a recommendation that the bill be referred to the judiciary committee.

The report of the committee was adopted and the bill so referred.

The same gentleman reported back and recommended the passage of council bill 73, legalizing the acts of the trustees of Sioux Falls, and authorizing them to issue bonds for fire protection, and council bill 63, to amend section 53 of chapter two of the political code.

Mr. Wiggin, from the committee on agriculture, reported back council bill 59 and house file sixty-six, with a recommendation that they pass.

Mr. Walsh, from the committee on highways and bridges, reported house file twenty-six, recommending its passage.

Mr. Day, from the committee on counties, reported back house files ten

and fifty-nine, and recommended their passage.

Mr. Gamble, from the judiciary committee, reported back and recommended the passage of house file 47, and council bills 66, 67, 48, 64 and 77. The title of the several bills will be found under the head of third reading of council bills.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage, over the governor's veto, of house file thirteen, authorizing Pembina county to issue bonds for the construction of a court house and jail; and the passage of house files 34, 40, 41, 51 and 86, and requesting the concurrence of the council therein; also the passage with amendments of council bill 13, relating to the residents of towns upon government lands.

EXCUSED.

On motion of Mr. Wiggin, the non-attendance of Mr. Walsh of Union on Monday was excused.

Mr. Scooby stated that he yesterday changed his vote from the negative to the affirmative on the foreign language bill for the purpose of moving a reconsideration of the vote, but he was now satisfied that such a motion would do no good, as the majority was against him; and he made this statement to explain his vote yesterday.

INTRODUCTION OF BILLS.

By Mr. President—For an act to amend section 41, chapter 28 of the political code, entitled revenue.

Also, a memorial to the congress of the United States for a treaty with the Turtle Mountain Indians for certain lands in northern Dakota.

By Mr. Wallace—For an act to amend section 60 of the civil code.

By Mr. Shaw—For an act making appropriations for the deaf and dumb school at Sioux Falls.

Also, for an act to provide for the instruction and education of deaf and dumb persons.

By Mr. Jolley—For an act to amend certain sections in chapter 59 of the laws of 1879, entitled an act providing for the organization of civil townships and the government thereof, approved February 18, 1879.

By Mr. Scooby—For an act to create a board of immigration.

Also, for an act to locate and establish a state agricultural college.

By Mr. Fisher—For an act to amend section 61, of chapter 21, of the political code, entitled county and county officers.

By Mr. Gamble—For an act to amend sections 281, 287, 288 and 289 of the code of criminal procedure.

CONSIDERATION OF HOUSE MESSAGES.

The message from the house was taken up, and the message of the governor giving his reasons for withholding his approval from house file 13, in relation to public buildings in Pembina county, was taken up and read at length.

Mr. Wilson was called to the chair, and President Walsh took the floor and spoke in favor of the passage of the bill.

The roll being called on the question, "shall the bill pass, the objections of the governor to the contrary," the vote resulted as follows:

Ayes—Messrs. Fisher, Gamble, Martin, Scooby, Shaw, Wallace, Walsh, Wiggin and Mr. President—9.

Noes—Messrs. Day, Jolley and Wilson—3.

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

On motion of Mr. Wilson, the council concurred in house amendments to council bill 13.

COUNCIL BILLS.

Council bills were read and referred as follows:

No. 74, restoring the boundaries of Mercer county, to the committee on counties.

No. 35, authorizing school district No. 1, in Morton county, to issue bonds, to committee on education.

No. 76, requiring persons desiring to marry to take out a license, to the judiciary committee.

No. 78, to amend sub-division 20, section 3, chapter 28, of the political code, entitled revenue, to the committee on agriculture.

No. 79, to amend section 1445, article 7, chapter 2, title 10 of the civil code, to the judiciary committee.

No. 80, to amend section 89 of the justices' code, to the judiciary committee.

No. 82, providing for the purchase of one thousand copies of a revised edition of the codes of Dakota, to the committee on printing.

No. 83, to prevent nuisances along the Red river of the North and its tributaries, to the judiciary committee.

No. 86, to amend section 6, chapter 27, of the session laws of 1879, to the judiciary committee.

No. 81, to incorporate the city of Grand Forks.

On motion of Mr. Wilson, the rules were suspended and the last named bill read a third time and passed.

THIRD READING.

The following council bills were read a third time and passed:

No. 77, in relation to the service of process upon railroad companies.

No. 69, exempting the Black Hills counties from certain provisions of the law in regard to estrays.

No. 63, to amend section 53, chapter 21, of the political code.

No. 66, defining the jurisdiction of township justices of the peace.

No. 67, to amend sections 39 and 40 of the political code.

No. 48, to amend section 501 of the civil code.

No. 64, authorizing the county commissioners of Yankton county, to fund the railroad bonds and coupons.

No. 71, to re-district the commissioner districts of Grand Forks county.

No. 92, to authorize the several school districts of Grand Forks county to issue bonds.

No. 73, to legalize the acts of the trustees of Sioux Falls and authorize the issue of bonds to protect the village from fire.

HOUSE FILES.

Several house files had their first reading.

House file 83, to vacate the plat of the town of Madison, Lake county, was under a suspension of the rules, read a second and third time and passed.

House file 10, in relation to the boundaries of Lawrence county, was lost—see 4, news 8.

Mr. Gamble gave notice that he would on to-morrow move a reconsideration of the vote by which the bill was lost.

House files 47, 53, 63, and 66 were read a third time and passed.

RECONSIDERED.

On motion of Gamble the vote was reconsidered by which council bill 30, creating a vendor's lien, was lost yesterday.

Several motions were made to refer the bill, all of which were lost, and it was finally allowed to lie on the clerk's table to come up in regular order.

ADJOURNMENT.

On motion, the council adjourned until 10 a. m. to-morrow.

HOUSE.

Wednesday, February 9.—The house convened at 10 o'clock a. m., and was opened by prayer by the chaplain.

Mr. Speaker in the chair, and all the members present.

The journal of the preceding day was read and approved.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of the following bills:

Council bill fifty-four, to incorporate the city of Springfield; council bill sixty-eight, amending section seven, chapter thirty-nine, political code; house file thirty-four, for the protection of stock, with amendments; house file forty-eight, authorizing school district one of Pembina county to issue bonds for the construction of a school house; house file eighty-two, memorial to congress asking for the establishment of a branch mint at Deadwood.

Also, that the council had receded from its amendment to house file thirty-one, relating to the teaching of foreign languages in the public schools, and had concurred in the house amendments to council bill thirty-one, providing for the construction of a penitentiary at Sioux Falls.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor returning, house file seventeen, with his approval. It legalizes the acts of J. Parker Hayward as notary public.

CORRECTLY ENGROSSED.

Mr. Kennedy, from the committee on engrossment, reported as correctly engrossed house file eighty-six, to vacate the town plat of Madison, Lake county.

ENROLLED AND ENGROSSED BILLS.

Mr. Baynes, from the committee on enrolled and engrossed bills, reported as correctly enrolled the following bills:

Council bill five, excusing members of fire companies from serving on juries; council bill fifteen, locating a state normal school at Springfield; council bill twenty-one, authorizing county commissioners to levy a tax of not more than eight mills; council bill twenty-two, changing the mode of issuing acknowledgments of married women; council bill twenty-three, relating to the filing of mortgages.

Mr. Cross, from the same committee, reported as correctly engrossed house file twenty-seven, regulating the herding and driving of stock, and house file fourteen, for the registry of voters.

Mr. Kennedy, from the same committee, reported as correctly engrossed house file seventy-five, relative to the sale of live stock; house file fifty-six, repealing certain sections of the funding act of Lawrence county; house file thirty-six, amending section eighteen, chapter twenty-one, political code.

A BILL PASSED.

On motion of Mr. Dickey, the rules were suspended and house file eighty-nine, to legalize the acts of the voters of Barnes county, was put upon its several readings and passage, and was passed by unanimous vote.

COMMITTEE REPORTS.

Mr. La Moure, from the committee on counties and townships, reported back the following bills with a recommendation that they pass:

House file twenty-two; house file seventy-two, authorizing counties to issue bonds for building court houses; house file seventy-six, vacating Foster's addition to Rockport; house file seventy-eight, authorizing bonds for building school houses in Grant and Deuel counties; council bill thirty-nine.

Mr. Rohr, from the committee on territorial affairs, reported, with a recommendation that they pass, house file thirty-four, for the protection of stock; and house file eighty-five, consolidating plats of Inkpa City, Big Stone City and Geneva.

Mr. Warner, from the committee on education, reported back, with a recommendation that they pass, council bill fifty-seven, providing a board of education for Fargo; council bill eighteen (substitute), providing for the education of children in organized districts, and house file thirty-seven, to regulate the practice of medicine, with amendments.

MOTIONS AND RESOLUTIONS.

Mr. Miller moved that the special committee on apportionment be a joint committee. Adopted.

Mr. Dickey presented a resolution calling upon the chairman of the engrossing committee to request the governor to return house file forty-one. Adopted.

NOTICE OF BILLS.

By Mr. Wells—To incorporate the city of Mandan.

By Mr. Ellefson—To constitute school district fifteen Minnehaha county an independent district.

By Mr. Thielman—To tax the net proceeds of mines.

By Mr. Dickey—To define the boundaries of La Moure county and establish the county of Walls.

By Mr. Van Osdal—To amend the herd law.

By Mr. Van Osdal—A memorial to congress asking a land appropriation.

INTRODUCTION OF BILLS.

By Mr. Nomland—House file ninety-six, to legalize the acts of the assessor of Traill county for 1879 and 1880.

Under a suspension of the rules the bill had its several readings and was passed by unanimous vote.

By Mr. Thompson—House file ninety-seven—to regulate toll for grinding.

By Mr. Donaldson—house file ninety-eight—to provide for recording deeds and other instruments for unorganized counties.

By Mr. Miller—House file ninety-nine—to incorporate the village of Wabpeton.

By Mr. Van Osdal—House file one hundred—to prevent the division of organized counties in certain cases.

By Mr. Wells—House file 101—a memorial to congress asking for an increased appropriation for surveys in Dakota territory.

By Mr. Wells—House file 102—to repeal section three, chapter twenty, laws of 1879.

By Mr. Wells—House file 103—to amend section 640 of the civil code.

On motion of Mr. Hale, the house concurred in the council amendments to house file thirty-four, for the protection of stock.

COUNCIL BILLS.

Council bill fifty-four, to incorporate the city of Springfield, and council bill sixty-eight, to amend section seven of chapter thirty-nine of the political code, had their first reading.

The following council bills had their second reading and were referred as indicated:

Number twenty-six—To the committee on territorial affairs.

Number fifty-five—To the committee on education.

Number fifty-nine—To the committee on judiciary.

Number sixty—To the committee on finance and revenue.

Number sixty-two—To the committee on counties and townships.

The following council bills had their third reading and were put upon their final passage:

Number forty-four—to provide for the taxation of costs in certain criminal proceedings. Passed by unanimous vote.

Number forty-five—To amend section one, chapter twenty-two, political code. Passed, Mr. Thielman voting in the negative and all the rest in the affirmative.

Number forty-six—to amend section fourteen, chapter twenty-one, political code. Passed—Messrs. Cross, Donaldson, Hale, Moore, Rohr, Thielman, Thompson and Warner voting in the negative and all the rest in the affirmative.

Number fifty-eight—to repeal section fourteen, chapter thirty-nine, political code. Passed, Messrs. Cross, Ellefson and Thompson voting in the negative and all the rest in the affirmative.

HOUSE BILLS.

The following house bills had their second reading and were referred as indicated.

Number eighty-eight—amending section eight and twenty-nine of the act establishing the public school law—to the committee on education.

Number ninety—To establish a state normal school, to the committee on railroads.

Number ninety-three, To establish and endow a state normal school—to the committee on railroads.

BILLS INTRODUCED.

By a unanimous consent, Mr. Kennedy introduced house file one hundred and four, to regulate insurance corporations and the business of insurance.

HOUSE BILLS.

The following house bills came up for their third reading and final action and were disposed of as follows:

Number thirty-six—Amending section eighteen, chapter twenty-one, political code, relating to counties and county officers—passed, Messrs. Cross, Ellefson, Hale, Nomland and Thorne voting in the negative and all the rest in the affirmative.

Number fifty-six—To repeal certain sections of the Lawrence county funding act—passed by unanimous vote.

Number seventy-five—referring to the sale of live stock—passed by unanimous vote.

RULES SUSPENDED.

On motion of Mr. La Moure, the rules were suspended and council bill eighty-one, to incorporate the city of Fargo, had its first and second readings and was referred to the proper committee.

ADJOURNMENT.

The house, at noon, adjourned to ten o'clock to-morrow morning.