



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—31st Day.

Council.

Thursday, February 10.—The council met at 10 a. m., the president in the chair.

Prayer by the chaplain.
Roll call—members all present except Mr. Gamble.

Minutes read and approved.

MESSAGE FROM THE HOUSE.

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

No. 44, to provide for the taxation of costs in certain criminal proceedings.

No. 45, to amend section 1 of chapter 22 of the political code.

No. 46, to amend section 14 of chapter 21 of the political code.

No. 58, to repeal section 14 of chapter 39 of the political code.

And house files 14, 36, 88, 56, 75 and 90, and requesting the concurrence of the council therein.

REPORTS OF COMMITTEE.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported certain bills correctly enrolled.

Mr. Wiggin, from the committee on agriculture, reported and recommended the passage of council bill 78, prohibiting the taxation of improvements on government lands.

Mr. Scooby, from the committee on education, reported council bill 75, to authorize school district No. 1, of Morton county to issue bonds, and recommended its passage.

Mr. Day, from the committee on counties, reported house file 35, creating Walsh county, and recommended its passage.

Mr. Shaw, from the committee on finance and expenditures, reported and recommended the passage of council bill 62, to amend section 332 of the civil code.

Mr. Gamble, from the judiciary committee, submitted a majority report recommending that council bill 65, making county commissioners elective by the voters of the districts severally, do not pass.

Mr. Jolley made a minority report recommending the passage of the bill.

A motion by Mr. Wilson to adopt the majority report was lost.

Mr. Gamble, from the judiciary committee, also reported and recommended the passage of council bill 79, to amend section 1,445 of article 7, chapter 2, title 10 of the civil code, and council bill 80, to amend section 89 of the justices' code.

Mr. Day, reporting from the committee on counties, recommended the passage of council bill 74, defining the boundaries of Mercer county.

Mr. Gamble, from the committee on judiciary, reported with amendments and recommended the passage of council bill 85, to prevent nuisances on the Red river of the north.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Fisher, the vote was reconsidered by which house file 10 defining the boundaries of Lawrence county, was lost yesterday.

On motion of Mr. Wilson the consideration of the bill was postponed until tomorrow.

Mr. Day offered the following resolution, which was adopted:

Resolved, That the council request his excellency the governor that he return to the council, council bill No. 24, for the purpose of amending the same.

This bill provides for the funding of the outstanding indebtedness of Charles Mix county.

INTRODUCTION OF BILLS.

By Mr. Walsh, of Union—For an act appropriating five hundred dollars to aid in the removal of the bodies of deceased persons from lands belonging to the insane hospital for Dakota.

By Mr. Scooby—For an act to protect hotel keepers.

Also, for an act to protect fish in the lakes of Brookings county.

Also, for an act defining certain duties of the county clerk.

Also, for an act to authorize the county commissioners of Moody county to issue bonds to build a court house.

Also, for an act to provide for the purchase of the second volume of Dakota reports.

Also, for an act to authorize school districts in any county in the territory to issue bonds for the purpose of building a school house.

By Mr. Fisher—For an act granting the right to establish and maintain a bridge across the Red river at Fargo, in Cass county.

MOTION TO ADJOURN.

Mr. Jolley moved that the council adjourn, and called for the ayes and noes. The motion was lost.

CALL OF THE HOUSE.

Mr. Jolley moved a call of the house, which being had showed Mr. Gamble to be absent.

The sergeant-at-arms was directed to hunt up the absentee. Upon appearing Mr. Gamble gave as an excuse for his tardiness that he had last night been present at a bar meeting.

COUNCIL BILLS.

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

No. 84, to the committee on counties.

No. 87, to amend section 60 of the civil code, to the judiciary committee.

No. 88, appropriating \$2,000 for erection of a building at Sioux Falls for deaf and dumb school, to committee on finance and expenditures.

No. 89, to provide for the education of deaf and dumb persons, to the committee on penal and charitable institutions.

THIRD READING.

The following council bills had their third reading:

No. 85, providing for the election of

county commissioners by the voters of the respective commissioner districts. Laid over until to-morrow.

No. 61, to amend sections 33, 39 and 50 of chapter 59 of the session laws of 1879. Passed.

No. 74, restoring the boundaries of Mercer county. Passed.

No. 75, authorizing school district, No. 1, Morton county, to issue bonds. Passed.

No. 78, exempting breaking upon government lands from taxation. Lost—ayes 6, noes 6.

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

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

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

HOUSE FILES.

House file 89, to legalize the acts of the commissioners of Barnes county, was read a first time, and under a suspension of the rules was read a second and third times and passed.

The following had their second reading and reference:

No. 52, to committee on charitable and penal institutions.

No. 55, to the committee on counties.

No. 64, to the committee on finance and expenditures.

No. 77, to the committee on insurance, banks and banking.

House file 35, to establish and define the boundaries of Walsh county, was read a third time and passed.

SPECIAL ORDERS.

Council bill 36, creating a vendor's lien, was taken up and passed—ayes, 7; noes, 5.

The consideration of house file 26, made a special order for to-day, was, on motion, re-committed to the judiciary committee.

ADJOURNMENT.

On motion of Mr. Gamble the council adjourned.

House.

Thursday, Feb. 10.—The house convened at ten o'clock a. m. and was opened with prayer by the chaplain.

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

The journal of the preceding session was read and approved.

VETO MESSAGE FROM THE GOVERNOR.

The following message was received from the governor, through his private secretary:

Executive Office, Territory of Dakota February 10, 1881.—To the House of Representatives of the Territory of Dakota: I return herewith to the house of representatives, in which body it originated, house bill No. 19, entitled "An act providing for the erection and construction of a court house and jail for the county of Richland," without my approval and signature, and with my objections thereto:

I regard this bill as special legislation of the most dangerous character, in that it imposes duties, responsibilities, obligations and burdens upon the people of Richland county in a manner not imposed upon the people of the other organized counties in the territory.

It grants "special privileges" to Wahpeton, a single town in the county of Richland, not granted to the other towns in that county, by compelling the erection of expensive county buildings at that point without a submission of the question of location to the voters of that county.

III. The bill permanently and forcibly fixes the county seat upon the extreme eastern border of a large county.

IV. It provides for the construction of expensive county buildings without the consent of the people who will be called upon to pay for them.

V. It compels the county officers of Richland county to issue the bonds of said county in the sum of fifteen thousand dollars (\$15,000) running fifteen years and to assess and collect large and extraordinary taxes during that period upon all of the property in Richland county without any authority from the people who are to be affected by this unusual and as it seems to me unwarranted taxation.

VI. The whole scope and tenor of the bill is in direct conflict with all previous legislation in the territory relating to locating county seats, erecting county buildings, issuing county bonds or raising money for extraordinary purposes as will be seen by reference to chapter 21 of the revised political code.

Regarding the general law to which I have referred as eminently wise, just and beneficial to all of the people of this territory, and firmly believing the provisions and principles involved in this bill to be unwise, unjust and totally subversive of the rights guaranteed to all the people by the constitution of the United States and the organic laws of this territory, I interpose my objections to the passage of this bill.

N. G. ORDWAY,
Governor.

THE BILL PASSED.

The question being upon the passage of the bill over the veto, the roll was called. When Mr. Wells' name was reached he did not respond, and upon the discovery that he was absent the sergeant-at-arms was directed to invite him to be present and cast his vote. Mr. Wells returned with the sergeant-at-arms and asked that he be excused from voting.

Mr. Rohr moved that he be excused from voting, and the motion was voted down.

Mr. Wells then voted no.

The bill was passed over the veto of the governor, by a vote of 18 to 6, Messrs. Ellefson, Landman, Moore, Thompson, Wells and Mr. Speaker voting in the negative and all the rest in the affirmative.

COUNCIL MESSAGE.

A message was received from the council, announcing the passage of the following bills:

Council, sixty-three, amending section fifty-three, chapter twenty-one of the political code.

Council, sixty-four, relating to bonds issued by Yankton county.

Council, sixty-six, defining the jurisdiction of township justices of the peace.

Council, sixty-seven to amend sections thirty-nine and forty, article six, chapter one of the justices code.

Council, sixty-nine, exempting Black Hills counties from the provisions of certain sections of chapter thirty-four of the revised code.

Council, seventy-two; re-districting Grand Forks county.

Council, seventy-two, authorizing Grand Forks county school districts to issue bonds.

Council, seventy-seven, amending section 102 of the code of civil procedure.

House, fifty-nine, for the incorporation of the city of Deadwood.

House, forty-seven, legalizing the acts of the commissioners of Lawrence county.

House sixty-three, to create the county of Griggs.

House sixty-six, for the protection of sheep husbandry.

House eighty-six, to vacate the town-site of Madison.

Also, that the council concurred in the house amendments to council bill thirteen.

COMMITTEE REPORTS.

Mr. Cross, from the committee on charitable and penal institutions, reported back council bill thirty-five with a recommendation that it pass.

Mr. LaMoure, from the committee on counties and townships, reported back council bill eighty-one with a recommendation that it pass with amendments.

Mr. French, from the committee on printing, reported back house file fifty-one, with amendments, and a recommendation that it pass.

Mr. Rohr, from the committee on territorial affairs, reported back council bill twenty-six, with a recommendation that it pass.

Mr. Moore, from the committee on incorporations, reported house file sixty-one, with a recommendation that it pass.

Mr. Boyles, from the committee on judiciary, reported back council bills thirty-three, twenty-nine, forty-nine and fifty-nine, with a recommendation that they pass.

NOTICES OF BILLS.

By Mr. Cross—To protect inn and hotel keepers.

By Mr. La Moure—Supplementary to house file thirteen.

By Mr. Hale—To protect buffalo, elk, deer and mountain sheep.

By Mr. Ipman—To fund the indebtedness of counties.

By Mr. Landman—To authorize school district twenty-three of Bon Homme county to issue bonds.

INTRODUCTION OF BILLS.

By Mr. Cross—House file 105—authorizing Custer county to issue bonds to build a court house and jail, and for opening new roads and for funding the indebtedness.

By Mr. Hale—House file 106—to combine and consolidate the counties of Custer and Foreythe.

By Mr. Thorne—House file 107—to prescribe the duties of clerks of district courts.

By Mr. Thielman—House file 108—to provide for the taxation of the net proceeds of mines.

By M. Dickey—House file 109—to define the boundaries of La Moure county.

By Mr. Wells—House file 110—to incorporate the village of Mandan.

By Mr. Baynes—House file 111—for the relief of Carl Winters.

By Mr. Baynes—House file 112—to amend the herd law.

By Mr. Moore—House file 113—to provide for the payment of license on stallions.

CONCURRED IN.

The house concurred in council amendment to house file forty-seven.

COUNCIL BILLS.

Council bills forty-eight, sixty-three, sixty-four, sixty-six, sixty-seven, sixty-nine, seventy-one, seventy-two, seventy-three and seventy-seven had their first reading.

Council bill fifty-four, to incorporate the city of Springfield, had its second reading and was referred to the committee on counties and townships.

Council bill sixty-eight, to amend section seven, chapter thirty-nine, of the political code, was referred to the committee on judiciary.

HOUSE BILLS.

House file eighty-seven, to incorporate the city of Springfield, had its second reading and was referred to the committee on incorporations.

House file ninety-six, to incorporate the village of Jamestown, had its second reading and was referred to the committee on counties and townships.

COMMITTEE OF THE WHOLE.

The house, at eleven o'clock, on motion of Mr. Wells, went into committee of the whole, Mr. Baynes in the chair, for the consideration of the general order.

THE COMMITTEE ROSE.

at 12:35 p. m., and reported in favor of the passage of council bills eighteen, twenty-six, twenty-nine, twenty-three, thirty-nine, forty-nine, fifty-seven (with amendments), and eighty-nine. Also house bill thirty-seven, with amendments.

The report was accepted and adopted.

RECESS.

The house, at 12:45 p. m., took a recess until seven o'clock this evening.