



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—31st and 32nd Days.

House.

EVENING SESSION.

Thursday, February 10.—The house was called to order at seven o'clock, Mr. Speaker in the chair and a full attendance of members.

COMMITTEE OF THE WHOLE.

On motion of Mr. La Moure, the house went into committee of the whole, on the general order, Mr. Baynes in the chair.

House file fifty-one, providing for the purchase of revised codes, went over until the general order to-morrow.

The following bills were acted upon and reported back as indicated:

House, sixty-one, to incorporate the village of Egan, with a recommendation that it pass.

House, eighty-one, to provide for the election of commissioners in Lawrence county, with a recommendation that it pass.

Council, sixty-two, providing that there be no exemption from the money demands for laborers, mechanics and physicians, except the absolute exemption, reported back with amendments, and a recommendation that it pass.

House, eighty, defining the boundaries of the county seat of Richland county, with a recommendation that it pass.

House, seventy-two, authorizing county commissioners to issue bonds for the construction of court houses and jails, with a recommendation that it be referred to the judiciary committee for correction.

House, seventy-six, to vacate a portion of Foster's addition to the village of Rockport, with a recommendation that it pass.

House, seventy-eight, authorizing school districts in Grant and Deuel counties to issue bonds for building school houses, with a recommendation that it pass.

House, eighty-four, to legalize the acts of W. T. Burman as commissioner of Grant county, with a recommendation that it pass.

House, eighty-five, to consolidate the town plats of Big Stone City, Inkpa City and Geneva, with a recommendation that it pass.

THE COMMITTEE ROSE

at 8:50 o'clock and reported in accordance with the foregoing record.

The report was adopted, on motion of Mr. Boyles.

BILL SIGNED.

The speaker called attention to the signing of house file forty-eight and house file eighty-two.

NOTICE OF BILLS.

Mr. Wells, by unanimous consent, at the request of the committee on apportionment, gave notice of a bill to amend chapter two of the laws of 1879, relating to apportionment.

ADJOURNMENT.

The house at nine o'clock p. m. adjourned until ten o'clock to-morrow morning.

Council.

Friday, February 11.—The council met at 10 a. m. President Walsh in the chair. Prayer by the chaplain.

Roll called—members all present.

Minutes read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body, over the governor's veto, of house file 19, to authorize Richland county to issue bonds for the erection of a court house jail.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on insurance, banks and banking, reported back and recommended the passage of house file

The same gentleman, from the committee on printing, reported council bill 82, providing for the purchase of one thousand copies of a compiled edition of the revised codes of Dakota territory, recommending its passage.

Mr. Wiggin, of the committee on printing, presented a minority report, recommending that council bill 82 do not pass.

Mr. Wilson moved the adoption of the majority report.

Mr. Gamble moved as an amendment that the bill and the reports of the committee be referred to a committee of the whole and made a special at 2 p. m. to-morrow.

An amendment to the amendment moved by Mr. Wilson was adopted, appointing 2 p. m. to-day for the consideration of the bill and reports, in committee of the whole.

Mr. Gamble, from the judiciary committee, reported back and recommended the passage of house file 38, authorizing Hutchinson county to fund its indebtedness and legalize warrants issued by Armstrong county. Also council bill 76, providing for marriage licenses, recommending its passage.

Mr. Day, from the committee on counties, reported with amendments, council bill 84, providing for the erection of a jail and county bridges for the county of Grand Forks, and recommended its passage.

Mr. Shaw, from the committee on finance and expenditures, reported back house file 64, and recommended its passage.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Scobey council bill 75, in regard to marriage licenses, and the report of the judiciary committee thereon, was made a special order at 3 p. m. to-day.

On motion of Mr. Wilson the vote was reconsidered by which council bill 78, prohibiting the taxation of breaking up on government lands, was defeated yesterday.

INTRODUCTION OF BILLS.

By Mr. Wiggin—For an act for compulsory education.

Also, for an act to require owners of threshing machines to guard against accidents.

By Mr. Wallace—For an act amending section 12, chapter 18, of the session laws of 1872-3, relating to the creating of new counties and defining their boundaries.

By Mr. Fisher—For an act to amend sub-division two, of section 199, and section 218 of the code of civil procedure.

By Mr. Jolley—For an act requiring county commissioners to give an official bond.

By Mr. Scobey—For an act to amend section 3, chapter 33, of the political code.

By Mr. President—For an act to establish and maintain a bridge across the Red river of the North.

VETO MESSAGE.

The house message transmitting house file 19, authorizing Richland county to issue bonds for the erection of county buildings, and the message of the governor giving his reasons for withholding his approval therefrom, was taken up and read.

On motion of Mr. Fisher the consideration of the message was made a special order at 11 a. m. next Tuesday.

In supporting this motion Mr. Wallace said he was glad a motion was made to delay action on the bill in question. The position of the executive in regard to locating county seats and issuing bonds by county boards is most certainly correct. Such questions should be submitted to the people; and I believe if time is given the originator of this bill, he will provide for the submission of this whole matter to his constituents, and this step will certainly be welcomed by the people, the members of this body and his excellency.

PRESENTED TO THE GOVERNOR.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported that he had presented to the governor council bills 5, 15, 21, 22 and 23.

RETURN OF BILLS REQUESTED.

On motion of Mr. Wilson, a concurrent resolution was adopted requesting the governor to return council bill five for correction.

On motion of Mr. Day a similar resolution was adopted in regard to council bill twenty-four.

COUNCIL BILLS.

Council bills were read and referred as follows:

No. 92, to locate and establish a state agricultural college at Brookings, to the committee on education.

No. 93, amending the law in relation to county and county officers, to the judiciary committee.

No. 94, a memorial in regard to a treaty with the Tstle Mountain band of Chippewa Indians. On motion the rules were suspended and the memorial read a third time and passed.

No. 96, to amend sections 281, 287, 288 and 290 of the code of civil procedure, to the judiciary committee.

No. 84, providing for the erection and construction of a jail and county bridges in Grand Forks county, was read a third time and passed.

HOUSE FILES.

House files were read and disposed of as follows:

No. 96, legalizing the acts of the assessor of Trail county, passed under a suspension of the rules.

No. 75, in relation to stock in the Black Hills counties, and No. 56, to repeal certain sections of the funding act of Lawrence county, were referred to the members from the Black Hills district.

No. 74, providing for a registry of electors, and 36, were referred to the committee on judiciary.

No. 38, was read a third time and passed.

No. 94, making appropriations for furnishing and supporting the hospital for the insane, was read a third time.

On motion of Mr. Wilson, section two, authorizing the trustees when the money in one fund is exhausted, to draw upon other funds, was stricken out. The bill was then passed—ayes 10, nays 2.

No. 77, to amend an act concerning corporations and persons engaged in the business of banking, was lost—ayes 2, noes 10.

Mr. Scobey moved that the vote by which the vote was lost be re-considered and that the motion to reconsider lie on the table, which motion prevailed.

The act sought to be amended was passed two years ago and was then generally known as "Ansley Grey's bill." The proposed amendment relieved banking corporations from the necessity of publishing a statement of their condition.

GENERAL ORDERS.

On motion of Mr. Jolley, the council adopted as a rule that concurrent resolutions should require but one reading.

Council bill 65, requiring the election of county commissioners by the voters, of the respective districts, was read a third time and lost—ayes 5, noes 7.

Council bill 78, exempting breaking upon government land, coming for passage, was defeated—ayes 4, noes 8.

House file 10, to more definitely define the boundaries of Lawrence county, was passed—ayes 9, noes, 3.

RECESS.

On motion of Mr. Gamble the council took a recess until 2 p. m.

Council.

AFTERNOON SESSION.

The council met at 2 p. m., with the president in the chair and all members present.

COMMITTEE OF THE WHOLE.

The council went into committee of the whole, Mr. Shaw in the chair, for the consideration of council bill eighty-two, providing for the purchase of one thousand copies of a compiled edition of the revised codes of Dakota territory.

The majority and minority reports of the committee on printing were read.

Mr. Gamble moved that the committee report the bill back to the council with a recommendation that the bill do not pass.

After considerable discussion the committee voted to recommend to the council that the bill be recommended to a special committee.

Council bill 76, to require persons desiring to marry to obtain a license, was taken up, and on motion read by sections.

President Walsh moved to amend section one by striking out county clerk and inserting clerk of the district court. Lost.

Mr. Scooby moved to strike out that portion of section one making it unnecessary to obtain a license where the parties live in an unorganized county.

Mr. Gamble moved as an amendment to the amendment that parties living in unorganized counties shall obtain a license from the nearest organized county. Carried.

President Walsh moved that when the committee rise it recommend that section one be stricken out. Lost.

Section two being read, President Walsh moved to make the clerk's fee ten dollars for the issue of the license, instead of two dollars. Lost.

Scooby made a motion to amend section 2 which motion was lost.

Mr. Day moved that the committee report the bill back and recommend its passage. Carried.

The committee then rose and through its chairman reported the action of the committee in regard to council bills 82 and 76 be adopted, which motion prevailed.

On motion of Mr. Wilson the communication of the committee in regard to council bill 82 was adopted.

MESSAGE FROM THE GOVERNOR.

A message from the governor was received through his private secretary, announcing the approval of council bill 5, for an act to amend section 1 of chapter 19 of the political code entitled jurors, and council bill 22, to amend paragraph 3, section 666 of the civil code of the territory of Dakota, approved February 16, 1877.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body of council bill 81, to incorporate the city of Grand Forks, with amendments, and council bill 112, a memorial asking for a treaty with the Turtle Mountain band of Indians; also house file 120, authorizing the employment of assistant enrolling and engrossing clerks and making an appropriation for the payment of the same.

On motion the house amendments to council bill 81 were concurred in.

On motion of Mr. Fisher the rules were suspended and house file 120 read a first and second time.

SPECIAL COMMITTEE.

The president appointed Messrs. Shaw, Day and Gamble a special committee to prepare a bill in regard to the purchase of revised codes.

ADJOURNMENT.

On motion of Mr. Gamble the council adjourned.

House.

Friday, Feb. 11—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.

COMMITTEE REPORTS.

Mr. Boyles, from the judiciary committee, reported house file forty-four, amending section three of the justice's code, with a recommendation that it pass.

Also council bill sixty-eight, amending section seven, chapter thirty-nine political code.

Also house file fifty-three, providing for the payment of costs for the prosecution of criminal cases in unorganized counties, with a recommendation that it pass with amendments.

Also council bill fifty-six, amending section sixty-two, chapter twenty-four, political code, with a recommendation that it pass.

Also council bill fifty-two, to repeal section 427 of the penal code in certain counties.

Also council bill thirty-two, to amend section eleven, chapter 39, political code, with a recommendation that it pass.

Mr. LaMoure, from the committee on counties and townships, reported back council bill fifty-four, to incorporate the city of Springfield, without recommendation.

Also, house file eighty-three, to define the boundaries of McCook county, with a recommendation that it pass.

Mr. Baynes, from the joint committee on enrollment and engrossment, reported that house bills twenty-one, forty-two, five, thirty-nine and the joint resolution providing for printing the reports of territorial officers had been presented to the governor for his action.

Mr. Boyles, from the select committee of the Yankton county delegation, submitted a majority report on the bill amending the Yankton school law and moved the adoption of the majority report.

Mr. Ellefson moved an amendment that the minority report be adopted.

The amendment and motion was adopted.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills twenty-six, sixty-one, seventy-four, seventy-five, seventy-nine, eighty, eighty-five and forty-six and house file thirty-five.

MOTIONS AND RESOLUTIONS.

Mr. Thorne moved that permission be given to amend section five of house file eleven, to legalize the acts of the officers of Dell Rapids. So ordered.

Mr. Warner presented a resolution asking for the return of house file five for correction from the governor. Adopted.

Mr. La Moure moved that council bill eighty-one, to incorporate the city of Grand Forks be taken up under a suspension of the rules and disposed of. Motion lost.

NOTICES OF BILLS.

By Mr. Miller—Supplementary to house file nineteen.

By Mr. Kennedy—To authorize the commissioners of Moody county to issue bonds for the construction of a court house and jail. Also to give the commissioners of Lake county like authority. Also to create an independent school district of the town of Madison. Also, locating the county seat of Lake county permanently at Madison.

By Mr. Hale—To create a tax on bullion, gold, silver and other precious metals, the immediate product of quartz mills or arastas.

By Mr. Inman—To amend section fifty-three, chapter twenty-eight of the political code.

By Mr. Thorne—To amend chapter six of the penal code.

INTRODUCTION OF BILLS.

By Mr. Van Osdal—House file 114—To amend sections twenty-four and twenty-five, chapter twenty-one, of the political code.

By Mr. Cross—House file 115—to protect inn and hotel keepers.

By Mr. Thielman—House file 116—To amend section seven chapter twenty-one of the political code.

By Mr. Hale—House file 117—To protect large game.

By Mr. Inman—House file 118—To provide for funding the warrants and outstanding indebtedness of counties.

By Mr. Wells—House file 119—To amend chapter two of the session laws of 1879.

LOBBY MEMBERS.

Mr. LaMoure moved that the sergeant-at-arms be instructed to prevent visitors from intruding upon the time of the members. Motion adopted.

NOTICES OF BILLS.

By unanimous consent the following notices of bills were given:

By Mr. Boyles—To provide for the compensation of the territorial auditor.

By Mr. McBratney—To regulate the duties of county assessors and for other purposes.

COUNCIL BILLS.

The following council bills had their first reading:

No. 36, to amend section 1804 of the civil code.

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

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

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

No. 74, restoring the boundaries of Mercer county.

No. 74, authorizing school district No. 1, Morton county, to issue bonds.

Council bill 49 had its second reading and was indefinitely postponed. It gave permission to insurance companies to take mortgage or other security on property for money loaned, and to foreclose and purchase the same.

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

Number sixty-six, defining the jurisdiction of township justices of the peace, to the committee on judiciary.

Number sixty-four, to fund the bonds and coupons issued by Yankton county, to a special committee, consisting of the Yankton county delegation.

Number sixty-three, amending section fifty-three, chapter twenty-one, political code, to the committee on judiciary.

Number sixty-seven, to amend section thirty-nine, justices' code, to the committee on insurance, banks and banking.

Number sixty-nine, exempting Black Hills counties from the provisions of sections three to twenty inclusive of chapter thirty-four of the revised codes, to a special committee consisting of the Black Hills delegation.

Number seventy-one, to re-district the county of Grand Forks, to the committee on counties and townships.

Number seventy-two, authorizing school districts in Grand Forks county to issue bonds, to the committee on education.

Number seventy-three, authorizing the village officers at Sioux Falls to fund the village indebtedness, to the committee on finance and revenue.

Number seventy-seven, to amend section 102 of the code of civil procedure, to the committee on judiciary.

BILLS SIGNED.

Council bills forty-five and forty-six were signed by the speaker.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills eighty-four, ninety-four and one hundred and twelve.

ABOUT EXEMPTIONS.

Council bill sixty-two, providing that there shall be no exemption except absolute exemption from the claims of laborers, mechanics and physicians, came up for its second reading. There was a long discussion upon the physician's clause and the bill was numerously amended and finally referred to the committee on enrollment.

COUNCIL BILLS.

The following council bills had their third reading and were disposed of as indicated:

Number forty-nine, to amend section forty-nine, chapter twenty-eight of the political code, was passed by unanimous vote.

Number fifty-seven, to provide a board of education for Fargo was passed by unanimous vote.

Number thirty-three, to amend chapter twenty-eight of the political code, and chapter forty-nine, of the laws of 1879, changing the time of assessing property for taxation from February to May, was passed by a vote of twenty-one to three—Messrs. Ellefson, Moore and Thompson voting in the negative and all the rest in the affirmative.

Mr. Rehr gave notice of a motion to reconsider the vote by which the bill was passed.

RECESS.

On motion of Mr. Thielman, the house at 12:30 p. m. took a recess until two p. m.

AFTERNOON SESSION.

The house reconvened at two o'clock p. m., all the members present and Mr. Speaker in the chair.

RECONSIDERATION.

Mr. Thorne gave notice of his intention to move a reconsideration of the vote by which council bill forty-nine was passed.

ASSISTANT CLERKS.

On motion of Mr. Warner, Mr. Kennedy was given permission to introduce a bill relative to additional clerical aid.

Mr. Kennedy introduced house file 120—to authorize the employment of assistant enrolling and engrossing clerks, and to provide an appropriation of \$100 for the payment of the same.

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

COUNCIL BILLS.

The following council bills had their third reading and were disposed of as indicated:

Number eighty-one, to incorporate the city of Grand Forks, passed by unanimous vote.

Number thirty-nine, to make the town plat of Edwinton the legal plat of Bismarck, was passed by unanimous vote.

Number eighteen, substitute, making provision for schooling children in organized districts, passed by unanimous vote.

Number thirty-five, authorizing the issue of bonds for the construction of a hospital for the insane and to authorize the building of the same, was passed by unanimous vote.

Number fifty-nine, relating to attorney fees in justices' court, passed, Messrs. Cross, Hale, Moore, Rohr, Thompson and Van Osdel voting in the negative and all the rest in the affirmative.

Number twenty-six, to amend section thirty-one and thirty-three, chapter twenty-seven of the political code, passed by unanimous vote.

Number twenty-nine, to legalize the acts of George H. Walsh as a notary public, was passed by unanimous vote.

Number sixty-two, to amend section 332 of the code of civil procedure, specifying no exemption, except absolute, from claims of laborers, mechanics and physicians, came up with numerous amendments. After a lengthy discussion the bill passed, Messrs. Ellefson, French, McBratney, Moore, Rohr, Thompson, Van Osdel and Mr. Speaker voting in the negative and all the rest in the affirmative.

BILL SIGNED.

The speaker gave notice of the signing of house file forty-nine.

HOUSE BILLS.

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

Number ninety-two, providing boards of education for Deadwood and Bismarck, to the committee on education.

Number ninety-five, to repeal certain parts of section nine, chapter thirty-nine of the revised codes, relating to the compensation of public officers, to the committee on judiciary.

Number one hundred and two, to repeal section three, chapter twenty of the laws of 1879, relating to the fees of county treasurers, to the committee on judiciary.

Number 100, preventing the division of organized counties in certain cases, to the committee on counties and townships.

Number 103, to amend chapter 648 of the civil code, relating to recording transfers, to the committee on insurance, banks and banking.

Number 110, to incorporate the village of Mandan, to the committee on incorporations.

Number 112, to amend the herd law, to the committee on agriculture.

The following house bills had their third reading and were disposed of as indicated:

Number sixty-one, to incorporate the village of Egan, was passed by a unanimous vote.

Number seventy-six, to vacate a portion of Foster's addition to Rockport, was passed by unanimous vote.

Number seventy-eight, authorizing school districts in Grant and Deuel counties to issue bonds to build school houses, passed, Messrs. Cross and Ellefson voting in the negative and all the rest in the affirmative.

Number eighty, to define the boundaries of the county seat of Richland county, was passed by unanimous vote.

Number eighty-one, to provide for the election of county commissioners in Union county, and provide for their terms of office, passed, Mr. Inman voting in the negative and all the rest in the affirmative.

Number eighty-four, to legalize the acts of W. T. Burman as county commissioner of Grant county, passed, Mr. Cross voting in the negative and all the rest in the affirmative.

Number eighty-five, to consolidate the plats of Big Stone City, Inkpa City and Geneva, was passed, Mr. Cross voting in the negative and all the rest in the affirmative.

COMMITTEE OF THE WHOLE.

On motion of Mr. Wells, the house at 3:20 p. m. went into committee of the whole, in the general order, Mr. Donaldson in the chair.

The following bills came up for consideration in committee of the whole and were referred back as indicated.

Council bill thirty-two, to amend section eleven, chapter thirty-nine of the political code, with a recommendation that it pass.

Council bill fifty-two, to repeal section 427 of the political code in certain counties, with a recommendation that it pass.

Council bill fifty-six, to amend section sixty-two of chapter twenty-four of the political code, with a recommendation that it pass.

Council bill sixty-eight, to amend section seven, chapter thirty-nine of the political code, with a recommendation that it pass.

Council bill fifty-four, to incorporate

the city of Springfield, with a recommendation that it pass.

House file twenty-five, amending the board of education act of Yankton, with recommendation that it pass with amendments.

House file forty-four, to amend section three of the justice's code, with a recommendation that it pass.

House file eighty-three, to define the boundaries of McCook county, with a recommendation that it pass.

House file fifty-three, to provide for the payment of costs in criminal cases in unorganized counties, with a recommendation that it pass.

House file fifty-one, authorizing the purchase of 1,000 copies of the revised codes of Dakota, with a recommendation that it pass as amended.

THE COMMITTEE ROSE

at 4:10 p. m. and reported in accordance with the foregoing record.

On motion of Mr. LaMoure, the report was accepted and adopted.

BILLS INTRODUCED.

By unanimous consent, Mr. Speaker, (Mr. Ellefson in the chair) introduced house file 121—to amend section nine, chapter thirty-nine, political code.

Mr. LaMoure introduced house file 122, supplementary to house file thirteen.

Mr. Miller introduced house file 123, supplementary to house file nineteen.

ADJOURNMENT.

The house, at 4:20 p. m., adjourned to ten o'clock to-morrow morning.