



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.

Session Notes.

The reporter rises to a question of privilege: What has become of the watchman of the council? Has he "passed out?"

Councilman Day made a brave fight to secure the passage of his bill to exempt breaking on government land from taxation, but a majority of the council was against him and the proposition failed. In the older settled counties the relief contemplated in this measure would not extend to a great many settlers and would make little difference in the public revenue, but in the newly settled portions of the territory where a large majority of the land taken is under the homestead and tree culture acts, and where the title to the soil is still in the government, it would very materially lessen the burden of taxation. In the view that the pioneer settlers upon the public lands are entitled to every encouragement that liberal laws can bestow, and should be exempt from all unnecessary burdens of taxation, the proposed measure was highly commendable.—In the council this forenoon the vote by which the bill was lost yesterday was reconsidered, and it was then passed by ayes, 7; noes, 5. It will now go to the house for the consideration of that body.

Mr. Scooby's bill for the establishment of an agricultural college at Brookings should receive a cordial support from every member of the legislature who is in favor of the establishment of such institutions. The town of Brookings is in the center of one of the finest sections of agricultural land in the territory, and, when the system of railroads now projected in the Sioux valley is completed, will be easily accessible from all parts of southern Dakota. The bill is carefully drawn, requires a liberal donation of land from the citizens of Brookings, and if passed will doubtless form the nucleus of what will in a few years be an honor and great benefit to the educational interests of the territory.

Council.

Saturday, February 12.—The council met at 10 a. m., the president in the chair and all the members present.

Prayer by the chaplain.

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. 13, providing for the schooling of children residing in organized districts, with amendments.

No. 23, amending sections 31 and 33, of chapter 27 of the political code, with amendments.

No. 29, to legalize the acts of Geo. H. Walsh as notary public.

No. 33, to amend chapter 23 of the political code, and chapter 49 of the session laws of 1879, entitled revenue.

No. 35, authorizing the issue of bonds to construct a hospital for the insane and to provide for the construction of the same, with amendments.

No. 39, to make the plat of the town of Edwinton the legal plat of the city of Bismarck.

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

No. 49, to amend section 49, chapter 28, of the political code.

No. 57, amending the act creating a board of education for the city of Fargo.

No. 59, relating to attorneys' fees in justices' courts.

No. 62, to amend section 332 of the code of civil procedure.

Also, the passage of house files 61, 76, 78, 80, 84 and 85, and asking the concurrence of the council therein.

REPORTS OF COMMITTEES.

Mr. Scooby, from committee on education, reported and recommended to passage of council bill 92, for an agricultural college at Brookings.

Mr. Shaw, from the committee on charitable and penal institutions, reported a substitute for council bill 89, to provide for the instruction and education of deaf and dumb persons, and recommended its passage.

The same gentleman from the committee on finance and expenditures, reported with amendments council bill 83, making an appropriation for the deaf and dumb school at Sioux falls, recommending its passage.

On motion the reports were adopted. Mr. Jolley from the committee on expenditures, reported with amendments house file 120, providing for the employment of assistant enrolling and engrossing clerks. The amendments cut down the appropriation for the payment of such assistants from one hundred to fifty dollars.

Mr. Day, from the committee on counties reported favorably house file 55, to authorize the county commissioners of Minnehaha county to issue bonds of said county to complete a county jail and for other purposes.

RECONSIDERED.

On motion of Mr. Day the vote was reconsidered by which council bill 78, exempting breaking on government land from taxation, was lost yesterday.

CORRECTLY ENROLLED.

Mr. Jolly, from the committee on enrolled and engrossed bills, reported a large number of council bills correctly enrolled.

INTRODUCTION OF BILLS.

By Mr. Wiggin—For an act to prevent drunkenness and the use of abusive and obscene language.

By Mr. Wilson—For an act to amend section 567 of the civil code.

Also, for an act to repeal sections 1773, 1774 and 1775 of the civil code.

Also, for an act to amend section 742 of the penal code.

Also, for an act concerning the right of way easements and other necessary means for the development of mines.

By Mr. Gamble—For an act defining the boundaries of the judicial districts of the territory of Dakota, and to subdivide the same and to fix the terms of court therein, and for other purposes.

Council bill 18, providing for the funding of the outstanding indebtedness of Charles Mix county, heretofore passed and recalled from the governor for correction, was re-introduced by Mr. Day, on whose motion the rules were suspended and the bill passed.

CONSIDERATION OF HOUSE MESSAGE. The house message received this morning was taken up.

On motion the consideration of house amendments to council bill 18 was postponed until Monday.

House amendments to council bill 85 were concurred in.

Council bill 62, relating to physicians' bills, amended in the house, was returned to that body for the purpose of having the amendments more correctly indicated.

COUNCIL BILLS.

Council bills were read a second time and disposed of as follows:

No. 83, establishing school district No. 1, of Grand Forks county, as an independent district. Passed under a suspension of the rules.

No. 97, appropriating \$500 to remove dead bodies from the grounds of the Dakota hospital for the insane, to the committee on counties.

No. 98, to protect hotel keepers, to the committee on immigration.

No. 99, for the protection of fish in the lakes of Brookings county, to the committee on territorial affairs.

No. 100, defining certain duties of the county clerk, to the committee on judiciary.

No. 102, to establish and maintain a bridge across the Red river at Fargo, to the committee on highways and bridges.

No. 103, to authorize school districts in any county in the territory to issue bonds for the purpose of building a school house, to the committee on judiciary.

No. 110, amending section 12, chapter 13, of the laws of 1872 and 1873, relating to new counties, to the committee on counties.

CONCURRED IN.

Council bill 62, having been returned from the house with its amendments properly indicated, on motion of Mr. Scooby the amendments were concurred in.

COUNCIL BILLS.

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

No. 92, to locate and establish a state agricultural college.

No. 89, to provide for the instruction and education of deaf and dumb persons.

No. 88, making an appropriation for the deaf and dumb school at Sioux Falls.

No. 76, providing for marriage licenses, considered yesterday in committee of the whole, was taken up and the vote on its passage stood ayes 6, noes 6; so the bill failed to pass.

No. 78, to exempt breaking upon government lands from taxation, was taken up and passed—ayes 7, noes 5.

Council bill 47, providing for an increase in the salary of the district attorney of the first judicial district, was read a third time and passed.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of:

Council bill 21, authorizing and empowering boards of county commissioners to levy a tax of not more than six mills on the dollar for ordinary county revenue, including support of the poor.

Council bill 45, to amend an act to amend section one of chapter twenty-two of the political code.

HOUSE FILES.

Several house files had their first reading.

No. 55, authorizing the commissioners of Minnehaha county to issue bonds for the completion of a jail, was read a third time and passed.

No. 120, providing for the employment of assistant enrolling and engrossing clerks, was read a third time and passed.

RECESS.

On motion of Mr. Wilson the council took a recess until 4 o'clock this afternoon.

HOUSE.

Saturday, Feb. 12.—The house convened at ten 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.

REPORTS OF COMMITTEES.

Mr. Miller, from the committee on finance and revenue, reported back council bill seventy-three, authorizing officers of Sioux Falls village to fund indebtedness, was reported with a recommendation that it pass.

Also council bill sixty, amending the liquor license law, with a recommendation that it pass.

Mr. Thielman made a minority report on the same bill, recommending that it do not pass.

Mr. Inman, from the committee on insurance, banks and banking, reported back council bill sixty-seven, amending section thirty-nine and forty, article six, chapter one, of the justices' code, with a recommendation that it pass.

Also house file 103, providing that no deed or town plat be recorded until all fees are paid, with the same recommendation.

Mr. Boyles, from the judiciary committee, reported back council bill eleven, to amend section ninety six of the justices' code, with a recommendation that it pass.

Also, a substitute for house file twenty-three.

Mr. Moore, from the committee on incorporations, reported back house file eighty, with a recommendation that it pass.

Mr. Bohr, from the committee on territorial

terial affairs, reported back house file twenty, for the protection of game, by substitute.

Mr. French, from special committee, reported back council bill sixty-four, relating to bonds and coupons issued by Yankton county, with a recommendation that it pass.

Mr. Cross, from special committee, reported back council bill sixty-nine, exempting the Black Hills counties from the provisions of certain sections of chapter thirty-four, of the revised codes, with a recommendation that it pass.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of house bills ten, twenty-eight, sixty-four, (with amendment), and ninety-six.

MOTIONS.

On motion of Mr. Thorne, the vote by which council bill forty-nine was passed, was reconsidered, and an amendment to the bill adopted.

On motion of Mr. Baynes, the title to house file eighty-three was amended.

On motion of Mr. Rohr, the vote by which council bill thirty-three, was passed, reconsidered and an amendment exempting Union county from the provisions thereof was incorporated and the bill was passed. It changes the time of making assessments from February to May.

NOTICE OF BILLS.

By Mr. French—To authorize the secretary of the territory to insure the territorial library and to purchase necessary books.

By Mr. Warner—To amend chapter thirty of the political code, relating to militia.

By Mr. Rohr—To amend subdivision fourteen, section two, chapter twenty-eight of the political code.

By Mr. Landmann—To regulate the sale of spirituous liquors by druggists.

By Mr. Ellefson—To amend section thirty-three, chapter fourteen, laws of 1879.

INTRODUCTION OF BILLS.

By Mr. LaMoure—House file 124—to amend the public school act so that the term of office of the territorial superintendent will expire after two years if his successor is not appointed. Under a suspension of the rules, the bill had its second reading and was referred to the committee on education.

By Mr. Boyles—House file 125; to fix the compensation of the territorial auditor.

By Mr. Inman—House file 126, to amend section fifty-three chapter twenty-eight of the political code.

By Mr. Thorne—House file 127, to amend chapter sixty of the political code.

By Mr. Hale—house file 128 to create a tax on bullion, gold, silver and other precious metals, the products of quartz mills or arastias.

By Mr. Wells—House file 129, to amend section twelve, chapter twenty-seven, of the political code.

By Mr. Warner—House file 130, to establish a general and uniform system of common schools, and improve their usefulness.

By Mr. Speaker (Mr. Van Osdel in the chair), house file 131—to amend section twenty-four, chapter thirty-nine of the political code.

By Mr. Kennedy—House file 132—to legalize the acts of the commissioners of Lake county in moving the records and safe to New Madison and in locating the county seat at that place.

CONCURRED IN.

The house concurred in the council amendment to house sixty-four.

JUDICIARY COMMITTEE.

The speaker called attention to the overworn condition of the judiciary committee and, by consent, Messrs. Thorne and French were added to the committee.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills eighty-three and 115 and asking concurrence of the house.

COUNCIL BILLS.

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

Number 136, amending section 1804 of the civil code, to the committee on judiciary.

Number sixty-one, to amend section thirty-three, thirty-seven and fifty, chapter fifty-nine of the laws of 1879, to the committee on judiciary.

Number seventy-four, to restore the boundaries of Mercer county, to the committee on counties and townships.

Number seventy-five, to authorize school district one of Morton county to issue bonds, to the committee on education.

Number seventy-nine, to the committee on judiciary.

Number eighty, to amend section eighty-nine of the justices' code, to the committee on judiciary.

Number eighty-four, to provide for the erection of a jail for Grand Forks county, to the committee on counties and townships.

Number eighty-five, to prevent nuisances along and in the Red river of the north and its tributaries, to a select committee consisting of Messrs. Dickey and La Moure.

Number ninety-four, a memorial to congress asking that a treaty be made with the Turtle Mountain Indians. Under a suspension of the rules the memorial had its third reading and was passed by unanimous vote.

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

Number thirty-two, to amend section eleven, chapter thirty-nine, of the political code, passed, Messrs. Moore, Rohr, Thompson and Van Osdel voting in the negative and the rest in the affirmative.

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

Number fifty-three, to amend section seven, passed, Messrs. La Moure, Miller, Moore and Van Osdel voting in the negative.

Number fifty-four, to incorporate the city of Springfield, was passed, Mr. La

Moore and Mr. Speaker voting in the negative.

Number fifty-six, to amend section sixty-two, chapter twenty-four of the political code, passed by unanimous vote.

Number sixty-eight, to amend section seven, chapter thirty-nine of the political code, passed, Messrs. Cross, Moore, Rohr and Thielman voting in the negative.

A BILL INTRODUCED.

Mr. McBratney, by unanimous consent, introduced house file 133, relating to attachments and exemptions in Lawrence, Pennington and Custer counties.

Under a suspension of the rules the bill had its second reading and was referred to a special committee, consisting of the delegation from the fifth district, and to the judiciary committee.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor notifying the house that he had approved and signed house file thirty-one, to amend section forty of the public school law, and house file thirty-two to amend section 101 of chapter one of the justice code.

RECESS.

The house, at 12:40 p. m. took a recess until two p. m.

HOUSE.

AFTERNOON SESSION.

Saturday, Feb. 12—The house convened at two p. m., Mr. Speaker in the chair.

HOUSE BILLS.

The following house bills came on for their second reading and were disposed of as indicated:

Number 103, to combine, and consolidate the counties of Custer and Forsythe. On motion of Mr. Hale, the bill was placed upon its third reading and final passage and was passed by unanimous vote.

Number ninety-eight, for recording deeds, mortgages and other instruments in unorganized counties, referred to the committee on counties and townships.

Number 107, prescribing the duties of clerks of district courts and prohibiting them from locating lands for settlers.

Mr. La Moure moved the indefinite postponement of the bill, which was adopted.

Number 111, for the divorce of Carl Winters, of Hut-hinson county, from his insane wife.

Mr. Cross moved that the bill be indefinitely postponed.

Mr. Baynes moved, as a substitute, that the bill be referred to the committee on judiciary.

The substitute was adopted.

Number 113, to provide for the payment of license on stallions kept for breeding purposes, referred to the committee on agriculture and manufactures.

Number 119, to amend chapter two of session laws of 1879, for the apportionment of the territory for legislative purposes, referred back to the special committee on apportionment for correction, and was corrected.

Number 121, to amend section nine of chapter thirty-nine, of the political code, to apply to the county of Lawrence, to the committee on judiciary.

Number 122, supplementary to house file thirteen, relative to voting bonds in Pembina county.

APPORTIONMENT.

Mr. La Moure moved that the rules be suspended, and house file 119, relating to apportionment, be put upon its final passage.

An amendment, offered by Mr. Kennedy, which was adopted, made Lake county the senior county of the sixth district instead of Brookings.

Mr. Inman moved to amend the bill by making the counties of Union and Clay the first district, instead of Union and Lincoln and supported his motion in a lengthy argument.

The proposition was discussed by Messrs. Dickey, Wells, Thielman, Donaldson, La Moure.

Amendments of Mr. Inman objected to and ruled out.

The bill was then passed, Messrs. Hale and Inman, McBratney, Dickey, Landman and Mr. Speaker voting in the negative and the rest in the affirmative, except Messrs. Nomland and Ellefson, who were absent.

HOUSE BILLS.

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

Number 122, supplementary to house file thirteen, was referred to the committee on judiciary.

Number 123, supplementary to house file nineteen, had its second reading, and on motion of Mr. Miller, the rules were suspended and the bill put upon its third reading and final passage and the bill was passed by unanimous vote.

Number ninety-one, to protect manufacturers and dealers in ale, beer, soda water and other beverages from the loss of kegs, bottles, and packages, was referred to the committee on judiciary.

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

Number thirty-seven, to establish a board of health and regulate the practice of medicine, was passed, Messrs. Rohr and Van Osdel voting in the negative.

Number forty-four, to amend section three, justices' code, was passed by unanimous vote.

Number fifty-one, to authorize the purchase of 1,000 copies of the revised codes of Dakota.

Mr. Dickey moved a call of the house and being sustained by six members, the call was ordered.

The roll call showed that Mr. Ellefson and Nomland were absent.

It being explained that the absent members were sick, further proceedings under the call were suspended and the absentees were excused.

The bill was then passed by a vote of thirteen to nine.

Mr. LaMoure moved to reconsider the vote and Mr. Dickey moved to lay the it on the table. Mr. Dickey's motion was adopted, twelve to ten.

Number eighty-three, to define the boundaries of McCook county, passed by unanimous vote.

Number fifty-three, to provide for the payment of costs in criminal proceedings in unorganized counties, passed; Messrs. Dickey and Thorne voting in the negative.

COMMITTEE OF THE WHOLE.

On motion of Mr. Dickey, the house, at 4:10 p. m., went into committee of the whole, Mr. French in the chair, for the consideration of the general order.