

## DAKOTA'S LEGISLATURE.

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

Fourteenth Session—33rd and 35th Days.

### Council.

#### AFTERNOON SESSION.

The council assembled at 4 p. m., the president in the chair and all members present, except Mr. Shaw.

On motion of Mr. Wilson the rules were suspended and the regular order of business was taken up.

#### REPORTS OF COMMITTEES.

Mr. Jolley reported several bills correctly enrolled.

Mr. Walsh, of Union, from the committee of highways and bridges, reported council bill 102, to establish and maintain a bridge across the Red river at Fargo, with a recommendation that it pass.

Mr. Wallace, from the committee on immigration, recommended the passage of council 98, to protect hotel keepers.

Mr. Wilson, from a special committee of the Black Hills members, reported back house file 56, changing the interest on Lawrence county warrants from eight to seven per cent, and recommended its passage.

Mr. Gamble, from the committee on judiciary, reported council bill 96, to amend sections 281, 287, 288 and 290 of the code of civil procedure.

Also house file 36, limiting the time of the sitting of boards of county commissioners, with a recommendation that it do not pass.

Mr. Day, from the committee on counties, reported back and recommended the passage of council bill 110. The bill provides for changing the name of Gings county to Wells county.

Also, reported back council bill 97, appropriating the sum of \$500 to remove bodies buried upon lands belonging to the insane hospital of Dakota, and recommended its passage.

#### NOTICES OF BILLS.

Mr. Wiggin gave notice that he would at some subsequent time introduce a bill to prevent cruelty to animals.

#### INTRODUCTION OF BILLS.

By Mr. Wilson—For an act relating to water rights.

Also, for an act to amend section 5, chapter 22, of the political code

Mr. Fisher—For an act to amend section 8 of chapter 39 of the political code.

On motion the rules were suspended, and the last named bill was read three times and passed.

#### SECOND READING.

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

No. 90, to amend certain sections of chapter 59 of the laws of 1879, relating to the organization of civil townships, to the judiciary committee.

No. 95, to amend section 41, chapter 28, of the political code, entitled revenue, to the committee on judiciary.

No. 101, to authorize Moody county to issue bonds for the erection of a court house and jail, to the committee on counties.

No. 104, to provide for the purchase of the second volume of the Dakota reports, to the committee on judiciary.

#### MESSAGE FROM THE HOUSE.

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

No. 33, to amend chapter 28 of the political code, and chapter 49 of the session laws of 1879, entitled revenue, with amendments.

No. 26, amending sections 31 and 33 of chapter 27 of the political code.

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

No. 32, to amend section 11 of chapter 39 of the political code.

No. 94, a memorial asking for a treaty with Turtle Mountain band of Indians.

No. 52, to repeal section 427 of the penal code in certain counties.

No. 51, to amend section 1098, of chapter 3, title 4, division third, of the civil code, entitled loan of money, and to repeal section 1100 of the same chapter, in certain counties.

No. 56, to amend section 62, of chapter 24, of the political code, entitled incorporation of towns and cities.

No. 68, to amend section 7, of chapter 37, of the political code.

#### THIRD READINGS.

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

No. 96, amending sections 281, 287, 288 and 290 of the code of civil procedure.

No. 97, appropriating \$500 to remove bodies buried upon grounds owned by the hospital for the insane.

No. 8, to protect hotel keepers.

No. 102, to authorize the establishment of a bridge across the Red river at Fargo.

No. 110, to change the name of the county of Gings to Wells.

No. 121, fixing the salaries of county clerks.

#### HOUSE FILES.

House files were read a second time and referred as follows:

No. 61, to the committee on towns and counties.

No. 76, to the committee on towns and counties.

No. 78, to the committee on education. Nos. 80, 81, 84 and 85, to the committee on counties.

#### THIRD READING.

House file 36, limiting the time of the sitting of the boards of county commissioners, was lost by a unanimous vote.

House file 56, read third time and passed.

#### CONSIDERATION OF HOUSE MESSAGE.

The house amendments to council bill 33 were not concurred in. This bill changes the time of making assessments from February to May, and the amendment excepted Union county from the change.

The council concurred in house amendments to council bill 49.

### ADJOURNMENT.

At 6 p. m. the council adjourned until 10 o'clock Monday morning, February 14th.

### Council.

Monday, February 14.—The council met at 10 a. m., with the president in the chair.

Roll call—members all 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 house files 35, 44, 51, 53, 106 and 123, and requesting the concurrence of the council therein.

#### PETITIONS.

Mr. Martin presented a petition from citizens of Custer county, representing that many citizens of Custer county are engaged in stock raising and that their cattle are kept in Forsythe county, which is unorganized, whereby the county of Custer is prevented from taxing such property of residents, and asking the legislature to pass a bill consolidating the counties of Custer and Forsythe.

#### REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported that he had on Saturday presented to the governor council bills 34, 40, 44, 45, 51 and 58.

Mr. Scobey, from a special committee, reported with amendments, council bill 10, to authorize Kingsbury county to issue bonds for the purpose of building a court house and jail, and recommending its passage as amended. The amendments provide that the question of issuing bonds shall be submitted to a vote of the people of the county.

Mr. Day, from the committee on counties, reported back and recommended the passage of house files 61, 76, 80, 81, 84 and 85 and council bill 101, authorizing Moody county to issue bonds for the erection of a court house, with amendments providing that the question shall be submitted to the voters of the county.

Mr. Gamble, from the judiciary committee, reported house file 26, with amendments, recommending its passage, and also a substitute for council bill 43.

Mr. Scobey, from the committee on education, reported house file 78, with amendments, and recommended its passage.

#### RESOLUTIONS.

On motion of Mr. Shaw, the following concurrent resolution was adopted:

Be it resolved, by this council, the house concurring, That council No. 31, now in the hands of the executive, be withdrawn with the consent of his excellency, for the purpose of correction and amendment.

Mr. Scobey offered the following, which was adopted:

WHEREAS, It is rumored that the congress of the United States has by act granted to the legislature of Dakota the privilege of extending its session from forty to sixty days duration; and

WHEREAS, It is reported that no official information of the fact has been received at the seat of government of the territory, establishing the truth of such report of the extension of the time of our sessions, therefore, be it

Resolved, That the president of this body, the council of the fourteenth legislative assembly of the territory of Dakota, be and is hereby instructed to telegraph at once to the secretary of the interior and ascertain the facts in relation to the matter.

#### NOTICES OF BILLS.

Mr. Wiggin gave notice that he would at some subsequent time, introduce a bill to vacate Rudolph's addition to the town of Canton.

#### INTRODUCTION OF BILLS.

By Mr. Martin—A memorial praying for a division of Dakota into North, South and West Dakota.

By Mr. Wiggin—For an act to prevent cruelty to animals.

#### COUNCIL BILLS.

were read a second time and referred as follows:

No. 91, to create a board of immigration, to the committee on immigration.

No. 106, requiring the owners of threshing machines to guard against accidents, to the committee on agriculture.

No. 107, to amend subdivision two of section 199 and section 218 of the code of civil procedure, to the committee on judiciary.

No. 108, requiring county commissioners to give an official bond, to the committee on judiciary.

No. 103, to amend section 3, chapter 39, of the political code, to the committee on judiciary.

No. 113, to punish drunkenness and the use of abusive and obscene language, to the committee on education.

No. 114, to amend section 567 of the civil code, to the judiciary committee.

No. 115, to repeal sections 1773, 1774 and 1775 of the civil code, to the judiciary committee.

No. 116, to amend section 742 of the penal code, to the judiciary committee.

No. 119, to define the boundaries of the judicial districts of the territory of Dakota and to sub-divide the same, and to fix the terms of court therein, and for other purposes, to the committee on judiciary.

No. 120, to amend chapter 4 of the session laws of 1879, concerning corporations and person engaged in the business of banking, to the judiciary committee.

No. 123, to amend section 5 of chapter 22 of the political code, to the judiciary committee.

#### THIRD READING.

The following council bills had their third reading and passed:

No. 10, authorizing Kingsbury county to issue bonds for the erection of a court house and jail.

No. 43, to amend section 215 of the code of civil procedure.

No. 101, to authorize Moody county to issue bonds for the erection of county buildings.

#### NON-CONCURRENCE.

Council bill 18, providing for the schooling of children living in organized districts, amended in the house, coming up for consideration, and the question

being upon the house amendments, the council by a unanimous vote refused to concur in said amendments.

#### HOUSE FILES.

Several house files were read a first time and the following had their third reading and were passed: 33, 61, 76, 78, 80, 81, 84 and 85.

#### HOUSE MESSAGE.

A message was received from the house announcing the passage, under a suspension of the rules, of house files 135, amending section 40 of an act to establish a public school law for Dakota territory. The bill provides that no more than one foreign language shall be taught in any district school.

The message also announced the concurrence of the house in the resolution for the return from the executive office of council bill 31.

#### RECESS.

On motion of Mr. Jolley, the council took a recess for twenty minutes.

#### MESSAGE FROM THE GOVERNOR.

Upon reassembling after recess a message was received from the governor announcing his approval of

Council bill 41, amending the act providing a board of education for the village of Sioux Falls, and

Council bill 44, to provide for the taxation and collection of costs in certain criminal cases.

#### EVENING SESSION.

On motion of Mr. Shaw the council took a recess until 7 o'clock this evening.

#### House.

Monday, February 14.—House convened at 10 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 session was read and approved.

#### COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 96, 97, 98, 102, 110, and 121.

Also that the council had failed to concur in the house amendment to council bill thirty-three.

Also that the council had passed house file fifty-six, to repeal certain sections of the funding act of Lawrence county.

Also that the council had failed to concur in the amendments to house file thirty-six.

#### COUNCIL BILL 33.

A conference committee, consisting of Messrs. Dickey, Rohr and Boyles, was appointed by the speaker to consider the amendments to council bill thirty-three.

#### COMMITTEE REPORTS.

Mr. LaMoure, from the committee on counties and townships, reported back house file ninety-four, to incorporate the village of Jamestown, with a recommendation that it pass.

Also house file 100, to prevent the division of organized counties in certain cases, with a recommendation that it pass.

Also house file 105, authorizing Custer county to issue bonds, with a recommendation that it pass.

Also, council bill eighty-four, for the erection of a jail and bridges in Grand Forks county, with a recommendation that it pass.

Also council bill seventy-one, to redistrict Grand Forks county into commissioner districts, with a recommendation that it pass.

Also council bill seventy-four, restoring the boundaries of Mercer county, with a recommendation that it pass.

On motion of Mr. Wells the report was accepted and adopted.

Mr. Boyles, from the committee on judiciary, reported back house file sixty-seven, amending section 140, chapter six of the probate code, with a recommendation that it pass.

Also house file ninety-eight, providing for recording instruments in unorganized counties, with a recommendation that it pass.

Council bill thirty-six, to amend section 1804 of the civil code, with a recommendation that it pass.

House file 121, to amend section nine, chapter thirty-nine of the political code, without recommendation.

On motion of Mr. Wells, the report of the committee was accepted, and, with the exception of the report on house file 121, adopted.

Mr. Warner, from the committee on education, reported back house file ninety-two, providing boards of education for Deadwood and Bismarck, with a recommendation that it pass.

Also house file 121, with a recommendation that it do not pass.

Council bills seventy-two and seventy-five with a recommendation that further action thereon be indefinitely postponed, as a substitute had been introduced concerning the subjects contained therein.

Also council bill fifty-five, amending the board of education act of Yankton, with a recommendation that it pass.

Also house file eighty-eight, to amend sections eight and twenty-nine of the public school law, with a recommendation that it pass with amendments.

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

Mr. Dickey, from the select committee for the consideration thereof, reported back council bill eighty-five, relating to nuisances along the Red river, with a recommendation that it pass with an amendment.

#### MOTIONS AND RESOLUTIONS.

Mr. Dickey presented a joint resolution reciting that the forty days provided for the legislative session would expire at midnight Saturday and that it was the sense of the legislature that no new business be received after Thursday, the 16th inst. and moved that the rules be suspended and the resolution given its several readings and passed. The motion was lost and the resolution went to its regular order.

Mr. Cross presented a concurrent reso-

lution, calling upon the governor for the return of house file fifty-nine for correction, and under a suspension of the rules the resolution was adopted.

Mr. Ellefson presented a resolution reciting that the wrong copy of house file thirty-one had been sent to the governor and authorizing the sending to him of a corrected copy. The bill provides for the instruction in German and other foreign languages in the public schools. The bill signed by the governor omitted the clause "other foreign languages."

At this stage of the proceedings a message was received from the council of the passage of a joint resolution authorizing a correct copy of the bill to be sent to the governor, which resolution was passed, under a suspension of the rules.

To overcome the existing difficulty Mr. LaMoure, by unanimous consent, introduced house file 135, an amendment to the defective bill, and, under a suspension of the rules, it was passed.

Mr. Warner announced that house file five had been corrected and on motion the number was changed to 136 and the bill was passed.

#### NOTICE OF BILLS.

By Mr. Kennedy—To amend chapter twenty-two of the laws of 1879.

Also, to provide for the erection of court and jail in any county in Dakota.

Also, to authorize proceedings against garnishees.

Also, to encourage the planting and growth of timber on the prairies.

Also, to authorize boards of county commissioners to fund outstanding indebtedness.

Also, to amend section 128, chapter five of the probate code.

Also, to legalize the plats of New Madison, and Kennedy's subdivision of block two in New Madison, under the name of Madison.

Also, to amend sections sixteen and seventeen, chapter two of the penal code. Also to amend section 323, chapter thirteen, of the code of civil procedure, entitled absolute exemptions.

Also, to amend section three, chapter twenty-four, of the political code.

Also, to amend section 1744, article three, of chapter two, of the civil code.

By Mr. Wells—Granting the right to establish and maintain a bridge across Big Heart river, between Mandan and Fort Lincoln.

Also, to provide for a board of territorial commissioners to the United States international exhibition.

Also, to limit the service of county commissioners in certain counties.

Also, to define the boundaries of certain unorganized counties.

By Mr. McBratney—To extend the time allowed the assessor of Lawrence county in which to make his annual returns.

Also, to attach the county of Mandan to the county of Lawrence for judicial purposes.

By Mr. Warner—To foster and encourage the discovery of valuable mineral deposits and to promote and protect the production of valuable minerals.

#### INTRODUCTION OF BILLS.

By Mr. Ellefson—House file 137—to regulate the time for school district officers to qualify.

By Mr. Kennedy—House file 138—to change in certain respects the territorial highway from Dell Rapids, via. Madison and Herman to Forrestburg.

By Mr. Kennedy—House file 139—to locate, establish and endow a state normal school at Madison.

By Mr. Kennedy—House file 140—to create an independent school district of the town of Madison.

By Mr. Baynes—House file 141—concurring the publication of laws in newspapers of the territory.

By Mr. Rohr—House file 142—to amend subdivision fourteen, section two chapter twenty-eight political code.

By Mr. McBratney—House file 143—regulating the duties of county assessors.

By Mr. McBratney—House file 144—providing for a constitutional convention and the formation of a state constitution preparatory to the admission of Dakota into the union as a state.

By Mr. Warner—House file 145, for the creation of sanitary measures.

By Mr. Warner—House file 146, to amend chapter thirty of the political code.

By Mr. French—House file 147, to amend section seven, chapter thirty-six, of the political code, relating to the license of peddlers and auctioneers.

#### COUNCIL MESSAGES CONSIDERED.

The council amendments to house files 120 and 56 were concurred in and the house receded from its amendment to council bill eighteen, non-concurred in by the council.

#### COUNCIL BILLS.

Council bills 47, 92, 88, 118, 48, 89, 83, 96, 121, 87, 98, 102 and 100 had their first reading.

Council bill 89 had its second reading and was referred to the committee on charitable and penal institutions. It provides for the education of the deaf and dumb.

The following council bills had their third reading and were passed:

Number eleven, to amend section 96 of the justices' code.

Number sixty-nine, exempting Black Hills counties from certain acts.

Number seventy-three, authorizing the officers of Sioux Falls village to fund indebtedness.

Number sixty-four was referred back to the special committee for correction.

#### HOUSE BILLS.

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

Number ninety-seven, to regulate toll for grinding, to the committee on counties and townships.

No. 108, to provide for the taxation of the net proceeds of mines, on motion of Mr. Thielman, to the committee on ways and means.

Number 109, defining the boundaries of La Moure county, to the committee on counties and townships.

Number 115, for the protection of inn and hotel keepers, to the committee on ways and means.

Number 116, to amend section seven chapter twenty-one of the political code, to the committee on judiciary.

Number 117, for the protection of large game, to the committee on territorial affairs.

Number 120, to amend section fifty-three, chapter twenty-eight of the political code, to the committee on judiciary.

Number 132, legalizing the acts of the commissioners of Lake county, to the committee on counties and townships.

MESSAGE FROM THE GOVERNOR.

A special message was received from the governor relating to the necessity of adequate representation at the world's fair at New York.

Also, announcing his approval of house files 34, 46, 45 and 48.

That portion of the message relating to the world's fair was referred to the committee on territorial affairs.

BILLS SIGNED.

The following bills were signed by the speaker in open session.

House files forty-seven, to legalize certain acts of the commissioners of Lawrence county.

House file sixty-six, for the encouragement of sheep husbandry.

House file fifty nine, to incorporate the city of Deadwood.

House file thirty-five, defining the boundaries of Walsh county.

Council bill thirty-four, amending the act incorporating the city of Elk Point.

Council bill forty, amending the public school law of Dakota.

Council bill forty-one, providing a board of education for Sioux falls.

Council bill forty-four, to provide for the taxation of costs in certain criminal proceedings.

Council bill fifty-one, to amend section 1008, chapter three, title four, in part five, of division third, of the civil code, and to repeal section 1100 of the same chapter, in certain counties.

Council bill thirty-eight, to repeal section fourteen of chapter thirty-nine of the political code.

Council bill eighty-one, to incorporate the city of Grand Forks.

RECESS.

The house, at 1:15 p. m., took a recess until 2:30 p. m.