



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—35th and 36th Days.

Council.

EVENING SESSION.
The council met at 7 p. m., and the president being absent, on motion of Mr. Wilson, Col. Jolley was elected president pro tem., all the members being present.

REPORTS OF COMMITTEES.

Mr. Wiggin, from the committee on agriculture, reported back and recommended the passage of council bill 106, to require owners of threshing machines to guard against accidents.

Mr. Wallace, from the committee on immigration, reporting on council bill 91, to create a board of immigration, recommended its passage.

Mr. Gamble, from the committee on judiciary, reported and recommended the passage of

Council bill 107, to amend subdivision 2 of section 120, and section 218 of the code of civil procedure.

Council bill 123, to amend section 5, of chapter 22, of the political code.

Council bill 104, provide for the purchase of the second volume of Dakota reports.

Council bill 114, to amend section 567 of the civil code.

Council bill 100, defining certain duties of the county clerk.

Council bill 130, to amend chapter 4, of the session laws of 1879, concerning corporations and persons engaged in the business of banking.

Council bill 90, to amend certain sections in chapter 69 of the laws of 1879, entitled an act providing for the organization of civil townships and the government thereof.

Council bill 99, to protect fish in the lakes of Brookings county—amended so as to make the law apply to the entire territory except the Missouri and Red rivers.

House file 54, with amendments.

Mr. Scooby, from the committee on education, reported with amendments and recommended the passage of council bill 113, to prevent drunkenness and to punish the use of abusive and obscene language.

INTRODUCTION OF BILLS.

By Mr. Day—To amend chapter 8 of the code of civil procedure.

By Mr. Shaw—To provide for the building of a penitentiary at Sioux Falls. A measure for this object had been formerly introduced and passed, but owing to some mistake had been recalled from the executive office for amendment.

On motion the rules were suspended, the bill given its several readings and passed.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor returning without his approval council bill 22, relating to sections 625, 626, 660, 661 and 666 of the civil code. The message is as follows:

Executive office, Territory of Dakota, Yankton, February 14, 1881.—To the legislative council of the territory of Dakota—I return herewith to the council in which body it originated, council bill No. 22, entitled an act relating to sections 625, 626, 660, 661 and 666 of the civil code of the territory of Dakota, approved February 16th, 1877, without my approved and signature and with my objections thereto.

The sections sought to be repealed by this bill now provide in substance that every married woman shall be inquired of separately and apart from her husband as to whether she willingly parts with her interest in any real estate before the magistrate can take an acknowledgment of a deed to which any married woman is a party.

While this formality might in some cases be dispensed with, and save annoyance in the conveyance of real property and especially in the older parts of the country, I am constrained to believe, however, that it would be dangerous to remove this safeguard from the transfer of the homesteads in this territory, and have therefore felt it my duty to interpose my objections to the passage of this measure.

N. G. ORDWAY,
Governor.

On motion the consideration of the message was postponed until 11 a. m. to-morrow.

COUNCIL BILLS.

were read a third time and passed as follows:

No. 99, to protect fish in the lakes and rivers of Dakota, except the Missouri and Red rivers.

No. 90, to amend certain sections of the act establishing civil townships.

No. 91, to create a board of immigration.

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

No. 106, requiring owners of threshing machines to guard against accidents.

No. 107, to amend certain sections of the political code.

No. 113, to prevent drunkenness and punish the use of abusive and obscene language. After the adoption of an amendment making the fines payable into the Sunday school fund instead of the county school fund, the bill was defeated—ayes 4, noes 8.

No. 100, defining certain duties of county clerks.

No. 114, amending section 567 of the civil code.

No. 120, to amend chapter 104 of the session laws of 1879, relating to banks, etc.

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

HOUSE BILLS.

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

No. 37, to create a board of health, etc., to the member from Pennington county, Mr. Martin.

No. 44, to the judiciary committee.

No. 51, to purchase 1,000 copies of the revised codes, to the special committee,

consisting of Messrs. Shaw, Day and Gamble.

No. 53, to the judiciary committee.

No. 108, consisting the counties of Custer and Forsyth, to the committee on counties.

No. 125, supplement to house file 19 to Mr. Fisher.

No. 103, amending the German language bill, to the committee on education.

House file No. 54 was read a third time and passed.

BILLS REPORTED.

Mr. Gamble, from the judiciary committee, reported with amendments, and recommended the passage of council bill 96, which was then read a third time and passed.

MOTION TO ADJOURN.

A motion to adjourn was made and lost, whereupon President Walsh called up for second reading council bill 111, to establish and maintain a bridge across the Red river at Grand Forks, which after being read was laid upon the clerk's table to come up for its third reading.

ADJOURNMENT.

On motion of Mr. Fisher the council adjourned.

Council.

Tuesday, February 15—The council met at 10 a. m., and was called to order by the president.

Prayer by the chaplain.
Roll call showed all members present.

On motion of Mr. Wilson the reading of the journal was dispensed with.

MESSAGE FROM THE HOUSE.

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

No. 18, providing for the schooling of children living in organized districts.

No. 11, to amend section 96 of the justices' code.

No. 69, exempting the counties of Lawrence, Pennington, Custer, Forsyth and Mandan from certain sections of the political code.

No. 73, legalizing certain acts of the trustees of Sioux Falls and authorizing the issue of bonds for fire purposes.

Also the passage of house files 136, 83, 67, 88, 103, 98 and 119, and requesting the concurrence therein.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on insurance, banks and banking, reported, with amendments, council bill 30, and recommended its passage.

Mr. Shaw, from the committee on finance and expenditures, reported back with amendments, council bill 90, relating to salaries of county treasurers, without recommendation.

On motion of Mr. Jolley the foregoing bill was made a special order in committee of the whole at 3 o'clock this afternoon.

Mr. Day, from the committee on counties, reported and recommended the passage of house file 105.

Mr. Scooby, from the committee on elections, reported back house file 131, recommending its passage.

Mr. Wiggin, from the committee on education, reported on house file 135, relating to the teaching of foreign languages in the public schools, stated that the committee had agreed to disagree, and that a majority of the committee recommended that the bill do not pass.

Mr. Gamble, from the judiciary committee, reported council bill 119 relating to judicial districts, with amendments, and recommended its passage.

Also, council bill 108, authorizing any school district in the territory to issue bonds to build school houses, recommending its passage.

Mr. Shaw, from the special committee consisting of Messrs. Shaw, Day and Gamble, reported house file 36, to provide for the purchase of one thousand copies of the revised codes, recommending its passage.

Mr. Martin, from special committee, to whom was referred the house bill relating to the practice of medicine, reported recommending that it be returned to the house for correction.

Mr. Shaw, from the committee on charitable and penal institutions, reported with amendments house file 52, relating to the government of the hospital for the insane, and recommended its passage.

On motion of Mr. Wilson, this bill was made a special order in committee of the whole at 2 o'clock this afternoon.

INTRODUCTION OF BILLS.

By Mr. Wiggin—For an act to vacate a part of Rudolph's addition to the town of Canton.

By Mr. Wilson—For an act providing for the erection of a court house and jail in Hughes county.

By Mr. Walsh, of Union—For an act providing that physicians shall not be entitled to the benefits of the exemption law.

By Mr. Shaw—For an act to provide for the payment of the commissioner appointed to revise the general laws of this territory, for services rendered by him under and in pursuance of chapter 36, of the general laws of the 10th session of the legislative assembly of the territory of Dakota.

SPECIAL ORDER.

The hour of 11 o'clock having arrived, that being the time set for the consideration of the governor's message, vetoing council bill 22 and house file 19; the messages were taken up and read. Council bill 22 amends that provision of the law requiring married women signing deeds to be examined apart from her husband as to whether it is their voluntary act, and place them, so far as the transfer of property is concerned, on an equal footing with men.

Messrs. Jolley and Gamble spoke earnestly in support of the bill, and urged its passage, notwithstanding the governor's objections.

The roll being called, the bill was passed over the veto by the following vote:
Ayes—Messrs. Fisher, Gamble, Jolley, Martin, Shaw, Wallace, Walsh of Union, Wiggin, Wilson and Mr. President—10.
Noes—Messrs. Day and Scooby—2.

The message of the governor withholding his approval from house file 19, providing for the issue of bonds for the

erection of a court house and jail in Richland county, was then read, and the roll being called the bill passed by the following vote.

Ayes—Messrs. Fisher, Gamble, Martin, Scobey, Shaw, Wallace, Wiggin and Mr. President—8.

Noes—Messrs. Day, Jolley, Walsh of Union, and Wilson—4.

COUNCIL BILLS.

No. 83, to provide for a commissioner of finance and banking, and prescribing the duties thereof, was read a third time and on motion of Mr. Gamble, was made a special order in committee of the whole this afternoon.

No. 103, to authorize any school district to issue bonds to build school houses, was read a third time, and on motion of Mr. Scobey, made a special order this afternoon in committee of the whole.

No. 111, to establish and maintain a bridge across the Grand river at Grand Forks, was read a third time and passed by a unanimous vote.

No. 119, to define the boundaries of the judicial districts of the territory and sub-divide the same, and to fix the terms of court therein, and for other purposes, was read a third time. After the adoption of several amendments changing the times of holding courts in some of the sub-divisions, the bill was passed.

HOUSE FILES.

House files 67, 83, 87, 98, 103, 119 and 136 were read a first time.

No. 51, providing for the purchase of 1,000 copies of the revised codes, was read a third time and passed, ayes 8, noes 2—Messrs. Wilson and Mr. President voting no, and Mr. Scobey absent and not voting.

No. 135, relating to the teaching of foreign languages in the public schools; passed—ayes 8, noes 3.

No. 106, to consolidate the counties of Ouster and Forsythe. Passed.

REPORT OF COMMITTEES.

Mr. Fisher, from a special committee, reported with amendments house file 123 authorizing Richland county to issue bonds for the erection of a court house and jail. The amendments provide that before the public buildings shall be located and the bonds issued the location and issue shall be authorized by a majority vote of the people of the county. The submission to the voters of the county questions involving the location of county buildings and the issue of bonds for their erection, removes the objections of the governor to this species of legislation.

Mr. Gamble, from the committee on judiciary, reported a substitute for council bill 87, to amend section 60 of the civil code, and recommended its passage.

The foregoing bills were then read a third time and passed.

RULES SUSPENDED.

On motion of Mr. Wilson the rules were suspended, and house file 103, to provide for the purchase of a court house for Lawrence county, was taken up and passed.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, announcing the approval of council bill 94, amending the act incorporating the city of Elk Point.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage of council bill 126, providing funds for the erection of a penitentiary at Sioux Falls.

RECESS.

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

HOUSE.

AFTERNOON SESSION.

Monday, Feb. 14.—Messrs. The house was called to order at 2:30 p. m.

HOUSE BILLS.

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

Substitute for number twenty, to amend the act for the protection of game. Lost by a vote of nine to fourteen. Ayes—Messrs. Donaldson, LaMoure, Miller, Moore, Nomland, Rohr, Thompson, Van Oadel and Wells. Nays—Messrs. Baynes, Boyles, Dickey, Ellefson, French, Hale, Inman, Kennedy, Landman, McBratney, Thielman, Thorne, Warner and Mr. Speaker.

Number twenty-five, amending the Yankton board of education act, was passed by unanimous vote.

Number sixty-seven, to amend section 140, chapter six of the probate code, was passed, Messrs. Thompson and Wells voting in the negative.

Number eighty-seven, to incorporate the village of Tower City, was passed, Mr. Cross alone voting in the negative.

Number ninety-four, to incorporate the village of Jamestown was passed, Mr. Cross alone voting in the negative.

Number ninety-eight, providing for recording instruments in unorganized counties, was passed by unanimous vote.

Number 103, to amend section 648 of the civil code, relating to recording transfers, was passed, Messrs. Baynes, Boyles, Ellefson, Miller Thompson and Thorne voting in the negative.

COMMITTEE OF THE WHOLE.

On motion of Mr. Wells, the house, at 3:35 p. m., went into committee of the whole on the general order, Mr. McBratney in the chair.

THE COMMITTEE ROSE

at 5:30 p. m. and reported sundry bills. The report of the committee was accepted and adopted.

ADJOURNMENT.

The house, at 5:35 p. m. adjourned until ten o'clock to-morrow.

HOUSE.

Tuesday, Feb. 15.—The house convened at ten a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all members present.

The journal of the preceding day was read and approved.

COMMITTEE REPORTS.

Mr. Rohr, from the committee on territorial affairs, reported back house file 117, for the protection of large game, with a recommendation that it pass.

Also council bill 50, a memorial asking for the abolishment of the military res-

ervation in Charles Mix county, with a recommendation that it pass.

Mr. Ellefson, from the committee on agriculture and manufactures, reported back house file 113, providing a license for keepers of stallions, with a recommendation that it pass with amendments.

Mr. Moore, from the committee on incorporations, reported back house file 110, for the incorporation of Mandan, with a recommendation that it pass.

Mr. Warner, from the committee on education, reported back house file 73, a substitute, providing for the construction of a school house in district one, Hughes county, with a recommendation that it pass.

Mr. La Moure, from the committee on counties and townships, reported back house file 132, legalizing the acts of the commissioners of Lake county, and house file 109, defining the boundaries of La Moure county, with a recommendation that they pass.

Mr. Wells, from the railroad committee, reported back house file 79, to locate a normal school at Watertown, and house file 93, with a recommendation that they pass.

Mr. Boyles, from the committee on judiciary, reported back the following bills with a recommendation that they pass:

House file 24, to amend chapter 2, section 23, of the political code.

Council bill 63, to amend section 5, chapter 21, of the political code.

Council bill 80.

Council bill 79.

House file 91, to protect manufacture in ale, beer, &c from loss of packages.

Council bill 77, providing for the service of process and papers on railroad companies.

House files 126, amending section 53, chapter 28, political code.

House file 116, amending section seven, chapter twenty-one political code, was reported without recommendation.

House file 72, a general bill authorizing counties to build court houses, was recommended not to pass, for the reason that existing laws cover the case.

Mr. Boyles, from the select committee consisting of the Yankton county delegation, reported back council bill 64, relating to funding bonds issued to Yankton county, with an amendment and a recommendation that it pass.

COUNCIL MESSAGE.

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

Council bills 43, 101, 10, 90, 19, 95, 99, 100, 104, 106, 107, 120, 114, 123 and 126.

House files 61, 76, 78, 80, 81, 84, 85 and 88.

MOTIONS.

On motion of Mr. Kennedy, house files 138, 139 and 140 were ordered to be returned from the printer and not printed.

On motion of Mr. Baynes, the committee on printing was instructed to make a contract for printing the reports of the officers of the insane hospital and territorial auditor and treasurer.

NOTICES OF BILLS.

By Mr. Kennedy—to provide for the publication of the public school laws as they exist at the close of this session.

By Mr. LaMoure—to amend section two, chapter fifteen, of the political code.

By Mr. Warner—Relating to the purchase and sale of property for taxes and other purposes.

By Mr. McBratney—to regulate the fees of certain officers in Lawrence county.

Also, to equalize taxation.

INTRODUCTION OF BILLS.

By Mr. Wells—House file 148—Granting the right to establish and maintain a bridge across Big Hart river, between Mandan and Fort Lincoln.

By Mr. Wells—House file 149—to provide for a board of territorial commissioners to the United States international exhibition.

By Mr. Kennedy—House file 150—to legalize the town plat of Madison.

By Mr. Kennedy—House file 151—to amend chapter 22 of the session laws of 1879, relating to fire guards.

By Mr. Kennedy—House file 152—to amend section 1,744 of article three of chapter two of the civil code, relating to mortgages.

By Mr. Kennedy—House file 153—to amend section 323, chapter thirteen of the code of civil procedure.

By Mr. Kennedy—House file 154—to amend section three of chapter 24 of the political code.

By Mr. Kennedy—House file 155—to amend section 1647, chapter two of the penal code.

By Mr. Kennedy—House file 156—to amend section 228, chapter five of the probate code.

By Mr. Kennedy—House file 157—authorizing county commissioners to fund outstanding indebtedness.

By Mr. Kennedy—House file 158—providing for the construction of court houses and county jails.

By Mr. Cross—House file 159—to amend chapter 31 of the political code.

By Mr. Warner—House file 160—to foster and encourage the discovery of valuable mineral deposits and to promote and protect the production of valuable minerals.

By Mr. McBratney—House file 161—extending the time in which the assessor of Lawrence county may make his report.

By Mr. McBratney—House file 162—attaching the county of Mandan to Lawrence county for judicial purposes.

By Mr. French—House file 163—to simplify the practice in courts of record and to prescribe a uniform summons in all civil actions therein.

COUNCIL BILLS.

The following council bills had their first reading.

Numbers 43, 90, 91, 10, 95, 99, 100, 104, 107, 101, 107, 104, 120, 123 and 126.

Under a suspension of the rules number 126 was passed to its second and third readings and was passed by unanimous vote. It provides funds for building a penitentiary at Sioux Falls.

APPROVED BY THE GOVERNOR

A message was received from the gov-

...er announcing his ...
...e 44, authorizing school districts ...
... of Pembina county, to issue bonds for
...ing a school house.

The following council bills had their
... and were referred as in-
...:

Number forty-eight, defining the du-
ties and prescribing fees of the district
attorney of the first judicial district.

Mr. Hale moved that further action on
the bill be indefinitely postponed, and
the motion was carried.

Number seventy-eight, to the commit-
tee on finance and revenue.

Number eighty-three, establishing an
independent school district in Grand
Forks county, to the committee on edu-
cation.

Number 88, making an appropriation
for a deaf and dumb school at Sioux
Falls, to the committee on charitable and
penal institutions.

Number 92, to locate and establish an
agricultural college at Brookings, to the
committee on education.

No. 96, to amend certain sections of
code of civil procedure, to the com-
mittee on judiciary.

Number ninety-seven, appropriating
\$500 for removing bodies from
the insane hospital grounds, to the com-
mittee on charitable and penal institu-
tions.

Number 98, to protect hotel keepers,
to the committee on railroads.

Number 110, to change the name of
Jingras county to Wells county, to the
committee on counties and townships.

Number 102, authorizing a toll bridge
across Red river, to the delegation from
the ninth district.

Number 110, authorizing the
commissioners of Charles Mix county to
fund the indebtedness of the county. The
rules were suspended and the bill was
passed.

Number 131, to amend section eight,
chapter 30 of the political code, to the
committee on counties and towns.

RECESS.

The house, at 12:30 p. m., took a recess
until two o'clock p. m.