



## DAKOTA'S LEGISLATURE.

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

Fourteenth Session—37th and 38th Days.

### Council.

#### AFTERNOON SESSION.

The council re-convened at 2:30 p. m. with the president in the chair.

Roll call showed that Messrs. Fisher, Scooby, Wiggan and Wilson were absent.

#### REPORT ON ENROLLING COMMITTEE.

Mr. Jolley, from the enrolling and engrossing committee, reported that he had deposited with the secretary of the territory certain memorials and resolutions, and had called at the executive office with a number of bills for the action of the governor, but found the office locked. He also informed the council that the committee had employed C. C. Valentine as an assistant enrolling and engrossing clerk.

On motion of Mr. Shaw, the action of the committee was endorsed.

#### CALL OF THE HOUSE.

On motion of Mr. Shaw a call of the house was ordered, and the sergeant-at-arms directed to bring in the absent members. The absentees were soon found and brought in, and further proceedings under the call were dispensed with.

#### MESSAGE FROM THE GOVERNOR.

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

No. 32, an act to amend section eleven of chapter 39 of the political code.

No. 29, an act to legalize the acts of Geo. H. Walsh as notary public of the territory of Dakota.

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

No. 59, an act in relation to attorney's fees in justice courts.

No. 68 an act to amend section seven of chapter 39, of the political code.

#### COMMITTEE OF THE WHOLE.

The council then went into committee of the whole, Mr. Fisher in the chair, and proceeded to the consideration of council bill 103, to authorize any school district in the territory to issue bonds to build a school house, and council bill thirty, creating the office of commissioner of finance and banking and defining the duties thereof.

After some time spent in the consideration of these measures, it was moved and carried that when the committee rise it recommend that council bill 103 be reported back without recommendation, and that council bill 30 be reported back with a recommendation that pass.

House file 52, providing for the government of the hospital for the insane, was then taken up.

Amendments were made increasing the number of trustees from three to five, making three of them residents of Yankton county, reducing the salary of assistant physician from \$1,000 to \$750 per

annum; making a majority of the board a quorum for the transaction of all business except the appointment of officers; providing that the trustees shall receive no other compensation than mileage at the rate of ten cents per mile for each mile of travel in the discharge of their official duties.

The committee then arose and through its chairman reported the bill back, and recommended its passage as amended.

On motion the recommendations of the committee of the whole were adopted.

#### COUNCIL BILLS

were read a second time and referred as follows:

No. 107, for compulsory education, to the committee on education.

No. 107, concerning right of way easements for the development of mines, to the committee on mines and mining.

No. 126, a memorial to divide the territory of Dakota into North, South and West Dakota.

No. 165, to prevent cruelty to animals, to the committee on agriculture.

No. 129, that physicians shall not be entitled to the benefits of the exemption laws, to the committee on highways and bridges.

No. 132, relating to fornication, to the judiciary committee.

No. 133, to amend section 452, civil code, to the judiciary committee.

#### HOUSE FILES

were read a second time and referred as follows:

No. 105, to the delegation from the Black Hills.

Nos. 167, 94, 109 and 110 to the committee on counties.

Nos. 93, 88, and 97, to the committee on education.

No. 35, to the member from Yankton.

No. 23, to the judiciary committee.

No. 165, to the committee on territorial affairs.

#### PRESENTED TO THE GOVERNOR.

Mr. Jolley reported that he had presented to the governor for his consideration, a large number of council bills.

#### A BILL PASSED.

Council bill 30, to create a commissioner of finance and banking, reported back from the committee of the whole, was read a third time and passed.

Action upon the other bills reported by the committee of the whole, was postponed until to-morrow.

#### ADJOURNMENT.

On motion, the council adjourned until 10 a. m. to-morrow.

#### Council.

Thursday, February 17.—The council met at 10 a. m., and was called to order by the president.

Prayer by the chaplain.

The clerks and several members being absent, a recess was taken until the ranks were filled up.

In a short time the clerks arrived, and the roll being called showed all the members in their seats.

Minutes read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house

announcing the passage of the following council bills:

No. 50, a memorial to congress for the vacation of that part of the Fort Randall military reservation lying east of the Missouri river.

No. 63, to amend section 53 of chapter 21 of the political code.

No. 67, to amend sections 39 and 40 of the justices' code, with amendments.

No. 77, (substitute) to amend section 102, of the code of civil procedure.

No. 79, to amend section 1,445, of article 7, of chapter 2, of title 10, of the civil code.

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

Also, house files 82, 100 and 132, and asking the concurrence of the council therein.

#### REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported council bills 26 and 71 correctly enrolled, which bills were then signed by the president of the council.

Mr. Martin, from a special committee, reported back house file 105 and council bill 117, and recommended their passage.

Mr. Gamble, from the committee on judiciary, reported a substitute for council bill 132, relating to fornication, with a recommendation that it pass. The report of the committee was adopted.

Mr. Jolley, from the committee on education, reported back and recommended the passage of house files 79 and 93, establishing normal schools at Watertown and Spearfish.

#### INTRODUCTION OF BILLS.

By Mr. Wallace—For an act to amend sub-division one of section twelve of article second of the charter of the city of Bismarck.

By Mr. Wiggan—For an act to extend the time in which taxes shall become delinquent for the year 1880.

By Mr. Fisher—For an act to amend section 4 of chapter 50 of the political code, entitled registration of warrants.

#### COUNCIL BILLS.

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

No. 117, concerning right of way easements and other means for the development of mines. Passed.

No. 130, providing for the erection of a court house and jail for the county of Hughes was read a third time and on motion of Mr. Scooby referred to the committee on counties.

No. 132, relating to fornication. Passed.

Mr. Day stated that the original of council bill 70, relating to the regulation of liquor licenses in Bon Homme county, had been lost, and moved that the printed bill be substituted for the original, and the bill put upon its final passage.

The motion prevailed, and the bill read a third time and passed—ayes 7, noes 5.

#### HOUSE FILES.

A number of house files had their first reading, and the following were read a second and third times and disposed of as indicated:

No. 274, to define the eastern boundaries of Walsh county, was read a second time and referred to the judiciary committee.

No. 52, for the government of the hospital for the insane, was taken up, read a third time, amended and passed.

No. 105, to authorize Custer county to issue bonds for the construction of public buildings, to fund outstanding indebtedness, etc. Passed.

No. 33, for a state normal school at Spearfish. Passed.

No. 79, for a state normal school at Watertown. Passed.

#### REPORT OF COMMITTEES.

Mr. Gamble from the judiciary committee, reported council bill 124, a memorial, praying for a division of the territory into North, South and West Dakota, with amendments making the names of the divisions: Dakota, North Dakota and West Dakota, which amendments were adopted, and the memorial passed—ayes 9, noes 3—Messrs. Day, Shaw and Wiggan voting in the negative.

Mr. Jolley reported council bill 33, extending the time for the assessment of property from the 15th of February to the 1st of May, correctly enrolled, and the same was signed by the president.

#### ADJOURNMENT.

On motion of Mr. Scooby, the council adjourned until 9 o'clock to-morrow morning.

#### House.

#### AFTERNOON SESSION.

Wednesday, February 16.—The house was called to order at 2 o'clock, and roll call showed a quorum present.

#### COUNCIL BILLS.

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

Number 106, authorizing Moody county to issue bonds for building a court house, to the committee on counties and townships.

Number 104, providing for the purchase of 150 copies of the second volume of Dakota reports, to the committee on ways and means.

Number 105, to require owners of threshing machines to guard against accidents, to the committee on agriculture and manufactures.

Number 107, to amend subdivision two of sections 199 and 218 of the code of civil procedure, to the committee on judiciary.

Number 114, to amend section 567 of the civil code, to the committee on judiciary.

Number 120, to repeal the act relative to persons or corporations engaged in the business of banking, to the committee on railroads.

Number 123, to amend section five, chapter 23 of the political code, to the committee on judiciary.

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

Number 50, a memorial to congress asking for the abolishment of the military reservation in Charles Mix county, passed by unanimous vote.

Number 63, amending section 53, chap-

ter 2, of the political code, passed by unanimous vote.

Number 77, substitute, to amend section 102 of the code of civil procedure, was passed, Mr. Ellefson alone voting in the negative.

Number 79 was passed by unanimous vote.

Number 80, to amend section 89 of the justice's code, recommended not to pass in committee of the whole, was passed by unanimous vote.

Number 83, establishing independent school district number one, Grand Forks county, was passed by unanimous vote.

#### A SUPPLEMENTAL BILL.

Mr. La Moure, by unanimous consent, introduced house file 174, supplemental to number 35, relative to the boundaries of Walsh county. Under a suspension of the rules, the bill had its several readings and was passed, Mr. Thompson alone voting in the negative.

#### HOUSE FILES.

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

Number 128, to create a tax on bullion, to the committee on ways and means.

Number 129, to amend section twelve, chapter twenty-seven of the political code, relating to the style of ballots, to the committee on judiciary.

Number 125, to fix the compensation of the territorial auditor, to the committee on judiciary.

Number 131, to amend section 24, chapter 33, political code, to a special committee of members of the first judicial district.

Number 127, to amend chapter 60 of the penal code, to the committee on agriculture and manufactures.

Number 123, to change the territorial highway from Madison to Forestburg, to the committee on highways, roads and bridges.

Number 130, to establish a state normal school at Madison, Lake county, to the committee on education.

Number 140, relating to a school district in Lake county, to the committee on education.

Number 144, providing for a constitutional convention, and the adoption of a constitution, to the committee on judiciary.

Number 148, granting authority for the construction of a bridge across Big Heart river, to the committee on highways, roads and bridges.

Number 150, to legalize the plat of New Madison under the name of Madison, to the committee on counties and towns.

Number 149, to create a board of commissioners for the international exhibition of 1883, to the committee on immigration.

Number 137, regulating the time for school district officers to qualify, to the judiciary committee.

Number 151, amending chapter twenty-two of the laws of 1879, entitled fire guards, to the committee on agriculture.

Number 152, to amend section 1,744 article three, chapter two of the civil code, to the committee on judiciary.

Number 153, to amend the act providing absolute exemptions, to the committee on judiciary.

Number 154, to amend section three of chapter 24 of the political code, to the committee on railroads.

Number 155, to amend sections 16 and 17 of chapter two of the penal code, to the committee on judiciary.

Number 156, to amend section 128 of chapter five of the probate code, to the committee on judiciary.

Number 157, authorizing boards of county commissioners of any county to find outstanding indebtedness, to the committee on judiciary.

Number 158, providing for the erection of a court house or jail in any county to the committee on judiciary.

Number 159, to amend chapter 31 of the political code, to the committee on mines and mining.

Number 160, to foster and encourage the discovery of valuable mineral deposits, was indefinitely postponed, on motion of Mr. Thielman.

Number 161, attaching the county of Mandan to Lawrence for judicial and other purposes, to the committee on judiciary.

Number 162, extending the time in which the assessor of Lawrence county may make his returns, to the committee on mines and mining.

Number 163, to simplify practice in all courts of record, to the committee on judiciary.

Number 168, to provide for garnishment by attachment, to the committee on judiciary.

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

Number 24, amending section 28, chapter 28 of the political code, was passed by unanimous vote.

Mr. Thorne gave notice of a reconsideration of the vote by which number 24 was passed.

Mr. Baynes moved to reconsider the vote by which house file 23 was passed and to lay the motion on the table. Adopted.

Number 72, to amend section 43, chapter 21 of the political code, authorizing counties to issue bonds for the construction of court houses and jails, was passed, 17 to 7.

Mr. La Moure, by unanimous consent, introduced house file 175, a joint resolution relating to the appointment and election of United States and territorial officers. It reads as follows:

*Be it Resolved, by the Legislature of the Territory of Dakota, that*

WHEREAS, in the opinion of the legislature of the territory of Dakota the bona fide settlers and inhabitants of a territory are entitled to the right of self-government, so far as may be; and that both United States and territorial officers should justly be selected, appointed and elected from the bona fide citizens and electors of the territory whom they are to serve and govern; and

WHEREAS, on the incoming of a new administration of the national government changes are likely to take place in the corps of federal officers; therefore,

*Resolved, By the house of representa-*

tives and council of the legislature of the territory of Dakota, that the congress of the United States be requested to pass and enact a law providing that the territorial officers proper be elected by the popular vote of the electors of the territory; and

*Resolved, That the president of the United States be and he is hereby requested to fill all federal offices in this territory by the appointment thereto of persons who are bona fide residents of this territory and who have resided herein a sufficient length of time to possess the qualifications of electors and;*

*Resolved, further, that a copy of these resolutions, attested by the presiding officers of the two houses of the legislature, be forwarded by the clerk of this house to each the president of the United States, the presiding officers of the two houses of congress and to Hon. R. F. Pettigrew, delegate elect to the next congress of the United States.*

The resolutions were given their first reading and placed in the regular order.

#### FROM THE GOVERNOR.

During the afternoon two messages were received from the governor, through his private secretary. One was a report of all the reprieves, commutations of sentence and pardons made during the past two years and the other was a veto of house bill 63, which reads as follows:

Executive office, Territory of Dakota, Yankton, February 16, 1881.—To the House of Representatives of the Territory of Dakota: I return herewith to the house of representatives, in which body it originated, bill No. 63, entitled: "An act to create the county of Griggs and define the boundaries thereof," without my approval and signature, and with my objections thereto.

I. This bill dismembers three counties, two of which are organized and well settled, cutting twenty townships from Traill, two from Barnes and what would be equal to eight townships from Foster county, without attempting to provide for any financial adjustment of the outstanding indebtedness of the counties from which the proposed county of Griggs is to be carved.

II. The bill utterly fails to provide for submitting the question of division and dismemberment, to the voters of the organized counties of Traill and Barnes from which a large portion of the proposed county of Griggs is to be taken, and is therefore in direct conflict with the principles of the bill which I am advised, passed your body on yesterday providing that organized counties shall not be divided without the consent of a majority of the voters therein.

III. I am not advised that the people in the counties proposed to be dismembered have petitioned for the creation of this new county and on the contrary from a failure to submit the question for their sanction by the terms of the bill, I am led to doubt that this action is desired by any considerable number of the people to be effected by the proposed division and creation of a new county, and believing it to be a great wrong to dismember organized counties and force unjust burdens upon the people inhabiting them without their consent, I cannot approve this bill.

N. G. ORDWAY,  
Governor.

#### ADJOURNMENT.

The house, at 5:30 p. m., adjourned to 9:30 a. m. to-morrow morning.

#### House.

Thursday, Feb. 17.—The house convened at 9:30 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.

#### HOUSE BILLS.

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

Number 73, substitute to empower school districts to issue bonds to build school houses, was passed, Mr. Miller alone voting in the negative.

Number 91, to protect manufacturers of ale, beer, &c., from the loss of casks, bottles, packages, &c., was passed, Mr. Thompson alone voting in the negative.

Number 113, to provide for the payment of license on all stallions kept for breeding purposes, was passed Messrs. Donaldson, Inman, Landman, Miller and Thielman voting in the negative.

Number 116, to amend section seven of chapter 21 of the political code, was passed, Messrs. Inman, Rohr, Thompson, Wells, and Mr. Speaker voting in the negative.

#### A PRINTING BILL.

Mr. Dickey, from the committee appointed to draft a bill relative to printing the bills of the house, presented house bill 167 in relation thereto.

Under a suspension of the rules, the bill had its several readings and passed, Messrs. Donaldson, Thielman and Vanden Osdel voting in the negative.

#### COMMITTEE REPORTS.

Mr. Cross, from the committee on immigration, reported back house file 149, creating a board of commissioners for the international exhibition in 1883, with a recommendation that it pass.

Mr. Cross, from the committee on charitable and penal institutions, reported back council bill 97, appropriating \$500 for the removal of dead bodies from the insane asylum grounds, with a recommendation that it pass.

Also, council bills 88 and 89, relating to the deaf and dumb school at Sioux Falls, with a recommendation that they pass.

Mr. LaMoure, from the committee on counties and townships, reported back house files 78, authorizing school districts in Grant and Deuel counties to issue bonds for school house purposes, with a recommendation that it pass.

Also, council bill 121, with a recommendation that it pass.

Also, house file 79, to regulate the toll for grinding, without recommendation.

Also, council bill 110, amending section twelve, chapter eighteen, of the laws of 1872-73, with a recommendation that it pass.

Also, house file 70, for the equalization of taxes, with a recommendation that it pass as amended.

Also, council bill 101, authorizing the commissioners of Moody county to issue bonds for the construction of a court house, with a recommendation that it pass.

Mr. Rohr, from the committee on territorial affairs, reported back council bill ninety-nine, for the protection of fish

in the lakes of Brookings county, with a recommendation that it pass.

Mr. Wells, from the committee on railroads, reported back council bill 120, to amend the act concerning corporations and persons engaged in the banking business, with a recommendation that it pass.

Also house file 154, with a recommendation that it pass.

Mr. Boyles, from the committee on judiciary reported back the following bills with the recommendation indicated:

House file 157, that it do not pass.

Council bill 61, to amend sections 33, 37 and 50, chapter 59 of the session laws of 1879, that it pass.

Council bill 123, with a recommendation that it pass.

Council bill 114, to amend section 507 of the civil code, without recommendation.

House file 95, to repeal certain parts of section nine, chapter thirty nine, of the revised code, substitute, and a recommendation that it pass.

House file 129, relating to the manner of voting and form of ballot, without recommendation.

House file 137, that it pass.

Mr. Thielman, from the committee on highways, roads and bridges, reported back house file 138 with a recommendation that it pass.

Mr. Donaldson, from the committee on ways and means, reported back house file 128, creating a tax on bullion, gold, silver and other precious metals, with amendments and a recommendation that it pass, provided it apply only to the Black Hills counties.

Mr. Warner, from the committee on education, reported back house file 139 with a recommendation that it pass.

Also council bill 156, with a recommendation that it pass.

#### COUNCIL BILLS.

Number 109, incorporating the city of Canton, came up for its first reading and under a suspension of the rules, had its second and third reading and was passed, Mr. Cross alone voting in the negative.

Council bill 87, to amend section 60 of the civil code, had its second reading and was referred to the committee on railroads.

Council bill 111, to establish a toll bridge across the Red river, had its second reading and was referred to the committee on highways, roads and bridges.

#### HOUSE BILLS.

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

Number 118, to provide for funding the warrants and outstanding indebtedness of counties, to the committee on finance and revenue.

Number 170, regulating the fees of certain officers in Lawrence county, to the committee on judiciary.

Number 171, relating to the compensation of the commissioners of Stutsman county, under a suspension of the rules had its third reading and was passed.

Number 172, to amend section seven, chapter 39, political code, to the committee on judiciary.

Number 173, to authorize the printing of 5,000 copies of the public school laws, to the committee on printing.

Number 175, joint resolution introduced by Mr. La Moure, relating to the appointment and election of territorial officers, under a suspension of the rules had its third reading and was passed by unanimous vote.

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

Number 117, for the protection of large game, passed by unanimous vote.

Number 126, to amend section 58, chapter 28 of the political code, was passed.

Number 149 to create a board of commissioners for the international exposition, passed; Messrs. Hale, Inman and Miller voting in the negative.

Mr. VanOsdel gave notice of an intention to reconsider the vote by which 149 was passed.

Mr. LaMoure called up house file 95, substitute, relative to the compensation of public officers, and it was passed, Messrs. Hale, Inman, Moore, Rohr, Thompson, Thorne, VanOsdel and Mr. Speaker voting in the negative.

#### RECESS.

The house, at noon, took a recess until two o'clock p. m.

#### AFTERNOON SESSION.

Thursday, Feb. 17.—The house convened at two p. m., Mr. Speaker in the chair and all the members present.

#### COMPENSATION FOR CLERKS.

Mr. Speaker, (Mr. French in the chair) introduced, by unanimous consent, house file 177, to provide compensation for the chief clerks of the council and house for completing the business of the session. It appropriates six dollars per day, not to exceed twenty-five days, to the clerks for necessary work after the adjournment of the legislature.

The bill had its several readings and was passed, Messrs. Hale, Inman, Moore, Thielman and Van Osdel voting in the negative.

#### THE SPECIAL ORDER.

The special order being the veto messages of the governor, given in yesterday, was taken up.

House file 35, creating the county of Walsh and defining the boundaries thereof was passed over the veto, Mr. Thompson alone voting in the negative.

House file 63, creating the county of Griggs and defining the boundaries thereof came up for passage over the veto and was passed, Messrs. Baynes, Landman, Moore, Thompson and VanOsdel voting in the negative.

Council bill 22, expunging the act requiring married women to be examined apart from their husbands before signing documents transferring property, came up for passage over the veto of the governor, and was passed; Messrs. Dickey and Landman voting in the negative.

#### ADJOURNMENT.

The house, at 3:15 p. m., on motion of Mr. Thielman, adjourned until ten o'clock to-morrow morning.