



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—42nd and 43rd Days.

Council.

AFTERNOON SESSION.

The council reconvened at 2 p. m., and took up the special order for that hour, being the governor's message vetoing council bill 71, for an act to re-district the county of Grand Forks. Mr. Martin in the chair.

The message being read, President Walsh argued in favor of the right of the legislature, under the organic act and the laws of the territory, to create and appoint officers as provided for in the bill under consideration.

The question being put shall the bill pass, the objections of the governor to the contrary notwithstanding, the vote was ayes 10, noes 2—Messrs. Day and Scooby voting in the negative.

RECALLED.

On motion of Mr. Wilson house file 178, to incorporate the town of Scotland was recalled for amendment.

PRESENTED TO THE GOVERNOR.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported that he had to-day presented to the governor the following council bills:

No. 54, to incorporate the city of Springfield.

No. 55, amend the act creating a board of education for the city of Yankton.

No. 64, to fund the bonds and coupons issued by the county of Yankton and for other purposes.

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

No. 89, to provide for the education of the deaf and dumb of Dakota territory.

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

No. 97, appropriating money to remove bodies buried upon grounds belonging to the hospital for the insane.

MESSAGE FROM THE HOUSE.

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

No. 149, amending the act creating a board of education for the city of Fargo.

No. 150, incorporating the city of Fargo.

No. 153, authorizing Burleigh county to fund its indebtedness.

And the passage of house files 99, 129, 180, 147 and 185, and requesting the concurrence of the council therein.

The house also transmitted the messages of the governor vetoing house files 55 and 80, which bills were passed by the house over the veto, and asking the council to take similar action.

HOUSE FILES.

The following house files were considered and disposed of as follows:

No. 95, relating to sheriff's fees. Passed.

No. 67, defining the duties and fees of judges of probate. Passed.

No. 113, providing for license on stallions kept for breeding purposes. Lost—ayes 4, noes 8.

No. 74, supplementary to the act creating the county of Walsh. Passed.

MESSAGE FROM THE GOVERNOR.

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

No. 26, to amend sections 31 and 33 of the political code.

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

No. 49, to make the town plat of Edwinton the legal plat of the city of Bismarck.

No. 34, providing for the erection of a jail and bridges in Grand Forks county.

REGISTRY LAW.

The hour of 3 o'clock having arrived, it being the time set for the consideration of house file 14, providing for the registry of electors and to prevent illegal voting, the bill was taken up and read at length.

On motion of Mr. Day Chrlrs Mix and Brule counties were exempted from the operations of the act.

The bill was then read a third time and passed by a unanimous vote.

CONSIDERING VETOS.

The house message transmitting the governor's messages vetoing house files 55, to authorize the county of Minnehaha to issue bonds to complete a jail, and house file 80, defining the boundaries of Richland county, was taken up and read.

On bill 55 the vote was ayes 10, noes 2—Messrs. Day and Scooby voting in the negative.

On bill 80 the vote was unanimously in the affirmative.

So the bills were declared passed notwithstanding the objections of the governor.

REPORT OF A COMMITTEE.

Mr. Scooby, from the committee on education, reported with amendments and recommended the passage of house file 132, legalizing certain acts of the commissioners of Lake county.

HOUSE BILLS.

House files 99, 129, 147, 180 and 185 were read a first time.

House file 132, relating to Lake county, was taken up, amended and passed—ayes 8, noes 4.

No. 185, amending the funding law of Lawrence county, was under a suspension of the rules given its several readings and passed.

CONFERENCE COMMITTEE.

Mr. Gamble, from the conference committee on house bill 52, relating to the government of the insane hospital, reported that the respective conference committees of the council and house had agreed that the council should recede from its amendments striking out the per diem of the trustees and reducing

the salary of the steward from \$1,200 to \$1,000 per annum, and that the house would concur in the council amendments reducing the salary of the superintendent from \$1,800 to \$1,500 and that of assistant physician from \$1,000 to \$750 per annum.

The report of the committee was adopted.

ANOTHER PROTEST.

The president read a dispatch from merchants and business men of Central City, Black Hills, protesting against the passage of the bill to tax bullion.

RECESS.

At 5 p. m. the council took a recess.

Council.

Tuesday, February 22—The council met at ten a. m., and was called to order by the president.

Prayer by the chaplain.

Roll call showed all members present. 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. 75, to authorize school district No. 1, of Morton county to issue bonds.

No. 104, to provide for printing of the second volume of Dakota reports, with amendments.

Also the passage of house file 194, to amend sections 33, 37 and 50 of chapter 59 of the session laws of 1879.

On motion of Mr. Jolley, the council concurred in house amendments to council bill 104.

A PETITION.

Mr. Wallace presented a petition from citizens of Union county in regard to the apportionment of the territory into council and representative districts.

INTRODUCTION OF BILLS.

By Mr. Jolley—For an act providing for costs in district court. Read first and second times and referred to the committee on judiciary.

By Mr. Wallace—For an act to relieve certain citizens of Morton county, from paying liquor licenses to said county, and for other purposes. Read twice and referred to judiciary committee.

By Mr. Jolley—A joint resolution, as follows:

Be it resolved by the legislative assembly of the territory of Dakota, that the present members of the board of equalization be authorized and directed, and it is hereby made their duty to carefully examine into the sources from which the territory derives its revenue and to ascertain whether or not all classes of property are equally and justly taxed under the present laws; to ascertain whether the taxes assessed by the board of county commissioners and other officers are properly collected, paid over and due settlements made by the various county treasurers; also, to ascertain whether some plan cannot be devised to reduce the rate per cent. by bringing into the assessors' lists new sources of revenue and to make a full report of their investigations with an abstract of the evidence upon which said report is based to the next legislature on the first day of its

session, and the territorial treasurer is authorized to pay out of any money in the treasury the necessary expense of the board of equalization incident to making a thorough investigation of these subjects, taking testimony and procuring statistical information for publication.

The resolution was read a first and second times and referred to the judiciary committee.

By Mr. Scooby—For an act to repeal chapter 14 of the laws of 1879.

REPORTS OF COMMITTEES.

Mr. Shaw, from the committee on finance and expenditures, reported with amendments house file 179, to legalize the assessments of Trail county, and recommending its passage as amended.

Mr. Day, from a special committee, reported back house file 164, creating a territorial board of health, &c., with a recommendation that it be referred to the committee of the whole.

The report was adopted.

Mr. Gamble, from the committee on judiciary, reported council bill 152, to amend certain sections of the code of civil procedure, recommending its passage.

Also house file 75, relating to the purchase and sale of live stock in the Black Hills counties, with a recommendation that it do not pass.

Mr. Day, from the committee on counties, reported and recommended the passage of house files 116 and 167.

HOUSE FILES.

Were considered and disposed of as follows.

No. 191, amending the township law, was passed under a suspension of the rules.

No. 99, to incorporate the village of Wahpeton. Passed.

No. 129, to amend section 12 of chapter 27 of the political code. Referred to the committee on elections.

No. 147, to amend section 7 of chapter 36, of the political code. Referred to the judiciary committee.

No. 180, supplementary to the act providing extra compensation to the judge of the first judicial district. Referred to the judiciary committee.

No. 175, relating to the sale of live stock in the Black Hills counties. Lost—ayes 5, noes 7.

No. 116, to amend section 7 of chapter 21 of the political code. Passed.

No. 167, relating to the boundaries of Hanson, Davison and other counties. Passed.

No. 179, to legalize the assessments of Trail county for the years 1879-80. Passed.

APPORTIONMENT BILL.

Mr. Gamble, from the special committee on apportionment, reported with amendments house file 119, dividing the territory into council and representative districts and apportioning the representation. The amendments of the committee make the counties of Bon Homme, Hutchinson, Douglass and Charles Mix the fifth district and awards it one member of the council and two of the house.

Hanson, Davison, Aurora, Brule, Buffalo, Hyde, Hand, Hughes, Sully, Kingsbury, Miner and Beadle counties are made the eighth district and given one member each of the council and house.

Lawrence and Mandan counties constitute the tenth district, and are given one member of the council and three members of the house.

The amendments of the committee also makes some changes in the districts in northern Dakota.

The amendments of the committee were adopted, whereupon, on motion of Mr. Jolley, the bill was further amended by making Union and Clay counties the first district, and Lincoln, Turner and McCook counties the second district.

The bill was then read a third time and passed by a unanimous vote.

WASHINGTON MONUMENT.

Mr. Wallace stated the present was a proper occasion for some action on the part of the territory commemorative of the memory of the father of our country, and therefore moved the appointment of a committee of three to draw a bill providing for the preparation of a block of Dakota granite to be placed in the Washington monument, so that when Dakota becomes a state it can point to that gold studded block as an evidence of the veneration of the people of the territory for the honored name of Washington.

The motion was adopted and Messrs. Wallace, Wilson and Seobey appointed as such committee.

COUNCIL BILLS.

No. 152, to amend certain sections of the code of civil procedure. Passed.

No. 157, to repeal chapter 14 of the session laws of 1879, was read a second time and referred to the committee on education. Chapter 14 is the public school law of the territory.

RECESS.

The council then took a recess until 2 p. m.

HOUSE.

AFTERNOON SESSION.

Monday, Feb. 21—The house reconvened at two p. m., Mr. Speaker in the chair and all the members present.

COURTESY EXTENDED.

Upon motion of Mr. McBratney, Samuel McMasters, superintendent of the Homestake mine, was admitted to a seat within the bar of the house.

COMMITTEE REPORTS.

Mr. Cross, from the committee on charitable and penal institutions, reported back house file 141, authorizing the publication of the general laws in the newspapers of the territory, with a recommendation that it do not pass.

Mr. Thielman, from the committee on highways, roads and bridges, reported back house file 148 with a recommendation that it do not pass.

Also, council bill 111, with a recommendation that it pass.

Mr. Ellefson, from the committee on agriculture, reported back house files 111 and 127 with a recommendation that they pass.

Also house file 112 with a recommendation that it be referred to the committee of the whole.

Mr. Boyles, from the judiciary committee, reported back council bills 151, 65, 43 and 107 with a recommendation that they pass.

Also house file 155 with a recommendation that it do not pass.

Mr. Thielman, from the committee on highways, roads and bridges, reported back house file 182, with amendment, and a recommendation that it pass.

Mr. McBratney, from the committee on mines and mining, reported back house file 164 by substitute, and a recommendation that it pass.

Mr. Warner, from the committee on education, reported back house files 131 and 92 (amended) with a recommendation that they pass.

Mr. La Moure, from the committee on counties and townships, reported back council bill 10 with a recommendation that it pass.

NOTICES OF BILLS.

By Mr. Kennedy—Defining the boundaries of Miner county.

By Mr. French—To require telegraph and express companies to pay taxes into the territorial treasury.

Also—To encourage explorations for coal deposits in that portion of the territory east and north of the Missouri river.

Also—To amend section 504 and to repeal section 510, article 11, chapter three, title two, part three of the civil code.

Also—To amend section 338 of article ten, chapter thirteen, part two of the code of civil procedure.

By Mr. La Moure—To bond the counties of Grand Forks, Walsh and Pembina to aid in the building of a railroad through said counties.

By Mr. Kennedy—To create the county of Harding.

By Mr. Thielman—To vacate parts of the townsites of Freeman and Menno.

By Mr. Cross—To increase the pay of assessors in Pennington and Custer counties.

By Mr. Thorne—To regulate the sale of illuminating oil.

INTRODUCTION OF BILLS.

By Mr. Ellefson—House file 186—to amend section 50, chapter 59 of the laws of 1879.

By Mr. Thorne—House file 188—to amend the game law.

By Mr. Kennedy—House file 187—providing for the payment of funds to school districts.

By Mr. Rohr—House file 189—for the collection of taxes on personal property.

By Mr. Baynes—House file 190—to amend the act to define the boundaries of the judicial districts.

By Mr. La Moure—House file 191—to amend the township law. Under a suspension of the rules, the bill had its several readings and was passed.

By Mr. Dickey—House file 192—relating to garnishment.

By Mr. Moore—House file 193—to amend chapter 39 of the political code.

By Mr. Wells—House file 194, to amend sections 3, 29 and 36 of chapter 27 of the political code.

By Mr. Warner—House file 195—Pro-

viding a board of education for Deadwood.

By Mr. Wells—House file 196—to locate, establish and endow a state normal school.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of house file 26, authorizing school districts in Grant and Deuel counties to issue bonds for the construction of school houses.

CONSIDERED IN.

The house concurred in council amendments to house bills 98 and 122.

COUNCIL BILLS.

Council bills 127, 128, 135 and 136 had their first reading.

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

Number 30, to provide for a commissioner of finance and banking, to the committee on insurance, banks and banking.

Number 70, to authorize the commissioners of Bon Homme county to regulate licenses in said county, to the committee on judiciary.

Council bill 117, relating to right of way to mines, to the committee on mines and mining.

Number 124, a memorial to congress praying for a division of Dakota into three parts, to the committee on territorial affairs.

Number 132, relating to fornication, to the committee on education, Mr. Warner, chairman.

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

Number 75, authorizing school district one to issue bonds to build a school house, was passed, Messrs. Cross and Ellefson voting in the negative.

No. 104, to provide for the purchase of the second volume of the Dakota reports—passed by unanimous vote.

Number 114, to amend section 567 of the civil code, was passed. Mr. Inman gave notice of a re-consideration of the vote by which the bill was passed.

Number 35, relating to vendors' lien, came up as a special order, and further action thereupon was indefinitely postponed. Mr. Dickey gave notice of a re-consideration of the vote by which the bill passed.

HOUSE BILLS.

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

Number 183, relating to the establishment of a territorial university at Dell Rapids, to the committee on education.

COMMITTEE OF THE WHOLE.

The house, at 4:15 p. m., went into committee of the whole on the general order, Mr. French in the chair.

THE COMMITTEE ROSE

at 5:45 p. m., reported progress and asked house to set again, which report was adopted.

RECESS.

On motion of Mr. Baynes, the house took a recess until ten o'clock Tuesday morning, the recess being ordered because there was some question about the legality of doing legislative work upon a legal holiday.

HOUSE.

The house convened at 10 o'clock a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all the members present.

COMMITTEE OF THE WHOLE.

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

THE COMMITTEE ROSE

at 10:30 a. m., and reported action on sundry bills and the report was adopted.

COMMITTEE REPORTS.

Mr. Rohr, from the committee on territorial affairs, reported back house file 146 with a recommendation that it do not pass, and council bill 144 without a recommendation.

Mr. Wells from the committee on railroads, reported back house file ninety and council bill eighty-seven with a recommendation that they pass.

Mr. Miller, from the committee on finance and revenue, reported back house file 142 with a recommendation that it pass, and house file 143 with a recommendation that it do not pass.

Mr. French, from the committee on public printing, reported back house file 173 with a recommendation that it pass.

Mr. Donaldson, from the committee on ways and means, reported back house file 101 with a recommendation that it pass and council bill 109 with a recommendation that it be referred to the committee of the whole.

Mr. Boyles, from the judiciary committee, reported back council bill 53 with a recommendation that it pass. Also house files 108 and 128, (the bullion tax bills) with an opinion that the proposed enactments were of doubtful constitutionality.

INTRODUCTION OF BILLS.

By Mr. Cross—House file 198—to increase the pay of assessors in the counties of Pennington and Custer.

By Mr. Kennedy—House file 190—to create the county of Harding.

By Mr. Kennedy—House file 200—defining the boundaries of Miner county.

By Mr. Inman—House file 201, to amend section 64, chapter 21, political code.

By Mr. Dickey—House file 202—to amend section 569, chapter three, of the revised codes.

By Mr. Dickey—House file 203—regulating the costs in civil actions in special proceedings in district courts.

By Mr. Landman—House file 204—to amend section 542 of the civil code.

By Mr. Vinland—House file 205—to amend the act to fund the coupons and bonds of Yankton county.

By Mr. La Moure—House file 206—to enable the people of Grand Forks, Walsh and Pembina counties to issue bonds to aid in the construction of railroads.

By Mr. French—House 207—to amend section 338, article ten, chapter thirteen, part two of the code of civil procedure.

By Mr. French—House file 208—to

amend section 504 and repeal section 510, article eleven, chapter three, title two, part three of the civil code.

By Mr. French—House file 200—to require telegraph and express companies to pay taxes into the territorial treasury in a like manner as they are now paid by railroads.

By Mr. French—House file 210—to encourage explorations for coal deposits in that portion of the territory east and north of the Missouri river wherein coal veins have not heretofore been found.

By Mr. Wells—House file 211—to authorize certain counties to issue bonds for the construction of court houses and jails.

By Mr. Wells—House file 212—to allow the commissioners of Morton county to issue bonds for the construction of a court house and jail.

By Mr. Wells—House file 213—to amend council bill thirty-one, providing bonds for the construction of a penitentiary at Shoux Falls.

By Mr. Wells—House file 216—to authorize the commissioners of Stutaman county to issue bonds for the construction of a court house and jail.

By Mr. Wells—House file 215—to incorporate the village of Jamestown.

By Mr. Wells—House file 216—to create the county of Dickey.

By Mr. Wells—House file 217—to enable certain counties to issue bonds to aid in the construction of railroads.

By Mr. Dickey—House file 218—relating to certain exemptions.

By Mr. Thorne—House file 219—regulating the sale of illuminating oils. Under a suspension of the rules the bill had its several readings and was referred to the judiciary committee.

A VETOED BILL.

Council bill 71, to re-district the county of Grand Forks, vetoed by the governor, came up for consideration and was made the special order for two o'clock to-morrow afternoon.

A COMMITTEE REPORT.

Mr. La Moure, from the special committee to whom it was referred, reported back house file 50, defining the boundaries of the third judicial districts and fixing the terms of court therein, with a recommendation that it do not pass. The report was received and adopted.

PRINTING THE BILLS.

Mr. Ellefson presented a resolution calling for the printing of all bills amending or repealing any existing law before such bills are put upon their passage. The resolution was adopted.

COUNCIL BILLS.

The following council bills had their first reading:

Number 130, providing for the erection of a court house and jail in Hughes county.

Number 133, to amend section 452, of the code of civil procedure.

Number 37, to amend section four, chapter 50, of the political code.

Number 130, to provide for the election of a justice of the peace in Morton county.

Number 140, to change the name of the town of Stiekney, Grand Forks county, to Ojata.

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

Number 127, to amend section nineteen of the code of civil procedure, to the committee on judiciary.

Number 128, to vacate part of Radolph's addition to Canton, to the committee on incorporations.

Number 135, to amend the charter of the city of Bismarck, to the committee on incorporations.

Number 136, to extend the time in which taxes shall become delinquent for the year 1880, to the committee on ways and means.

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

Number 43, to amend section 215 of the code of civil procedure, was passed.

Number 65, defining the jurisdiction of township justices of the peace, was passed.

No. 78, amending section 60 of the civil code, was passed.

Number 90, to amend the act providing for the organization of townships, was passed.

Number 95, to amend section 41, chapter 28 of the political code, was rejected.

Number 96, to amend certain sections of the code of civil procedure, was passed.

Number 98, for the protection of hotel keepers, was rejected.

Number 100, defining the duties of county clerks, was rejected.

Number 106, to require the owner of threshing machines to guard against accidents, was rejected.

Number 107, amending certain sections of the code of civil procedure, was passed.

Number 111, authorizing the establishment of a toll bridge across Red river at Grand Forks, was passed.

Number 121, to amend section eight, chapter thirty-nine of the political code, was rejected.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of house files 67, 95, 113 and 132 with amendments, house files 174, 191 and 185 without amendments and house files 155 and 80 over the governor's veto.

RECESS.

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