



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—43rd and 44th Days.

Council. AFTERNOON SESSION.

The council met at 2 p. m. the president in the chair and members all present.

CORRECTLY ENROLLED.

Mr. Jolly from the committee on engrossed and enrolled bills, reported the following council bills correctly enrolled.

No. 72, authorizing the several school districts of Grand Forks county to issue bonds.

No. 78, to amend sub-division 20 of section 3 of chapter 28 of the political code, entitled revenue.

No. 110, amending section 12, chapter 18 of the laws of 1872-3, relating to new counties.

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

No. 120, to amend chapter 4 of the session laws of the legislative assembly of the territory of Dakota for the year 1879, entitled an act concerning corporations and persons engaged in the business of banking.

Which several bills were then signed by the president of the council.

REPORTS OF COMMITTEES.

Mr. Gamble from the judiciary committee, presented a majority report on house file 180, supplementary to the act increasing the compensation of the judge of the first judicial district, recommending that it do not pass.

The report of the committee was adopted.

Mr. Martin moved that the bill be indefinitely postponed.

Mr. Scooby moved as an amendment that it be made a special order at 11 a. m. to-morrow, which motion was lost.

Mr. Martin's motion to indefinitely postpone was then adopted.

Mr. Day from the committee on counties, reported back without recommendation, house files 171, regulating the compensation of the commissioners of Stutsman county, and 72, authorizing counties to issue bonds to build court houses and jails.

No. 171, was then read a third time and passed—ayes 7, noes 5.

No. 72, was lost—ayes 1, noes 11.

Mr. Gamble, from the committee on judiciary, reported back house file 147, to amend section 7 of chapter 36 of the political code, relating to peddlers and recommended its passage.

RECEPTION AND BANQUET.

Mr. Gamble, on behalf of the citizens of Yankton, invited the members and officers of the council to a reception and banquet at Turner hall on Friday evening next.

On motion of Mr. Shaw, the invitation was accepted.

ADJOURNMENT.

On motion of Mr. Shaw the council adjourned until 10 a. m. to-morrow.

Council.

Wednesday, February, 23—The council met at 10 o'clock, a. m. the president in the chair.

Prayer by the chaplain.

Roll call—members all 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. 43, to amend section 215 of the code of civil procedure.

No. 53, to amend section 562 of the civil code.

No. 66, defining the jurisdiction of township justices of the peace.

No. 87, to amend section 60 of the civil code.

No. 90, to amend certain sections in chapter 59 of the laws of 1879.

No. 99, to amend sections 281, 287, 288 and 290 of the code of civil procedure.

No. 107, to amend sub division two of section 190, and section 218 of the code of civil procedure.

No. 111, to establish and maintain a bridge across the Red river of the North.

And that the following council bills were defeated in the house.

No. 95, to amend section 41 of chapter 28 of the political code.

No. 98, to protect hotel keepers.

No. 100, defining certain duties of county clerks.

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

The message also announced the passage of the following house files:

No. 70, providing for the equalization of taxes.

No. 90, to locate, establish and endow a territorial normal school.

No. 118, to provide for the funding of county indebtedness.

No. 127, to amend chapter 60 of the penal code.

No. 131, to amend section 24 of chapter 39 of the political code.

No. 148, granting the right to bridge the heart river.

No. 150, to legalize the plat of the village of New Madison.

No. 151, to amend chapter 22 of the session laws of 1879.

No. 162, extending the time allowed the assessor of Lawrence county to make annual returns.

No. 172, to amend section 7, of chapter 39, of the political code.

The message, also, by request of the council, returned house file 178 for correction, and a concurrent resolution fixing the date of final adjournment of the legislative assembly.

REPORTS OF COMMITTEES.

Mr. Gamble from the judiciary committee, reported with amendments, house file 91, to protect manufacturers and dealers in ale, beer, wine, etc., from the

loss of bottles and packages, and recommended its passage.

Mr. Shaw, from the committee on finance and expenditures, presented a majority report on house file 149, creating a board of commissioners for the international exhibition of 1883, recommending its passage, and Mr. Jolley, from that committee reporting on the same bill, recommended that it do not pass.

Mr. Gamble, from the judiciary committee, reported and recommended the passage of council bills 146 and 154, and on house file 142, relating to the funding of the indebtedness of Moody, Brookings, Grand Forks and Burleigh counties with a recommendation that it do not pass.

Mr. Scooby, from the committee on education, reported back with amendments house file 73, authorizing school districts to issue bonds to build school houses. The report of the committee was adopted.

Mr. Wilson, from the committee on elections, reported with amendments, house file 129, to amend section 12, chapter 27, of the political code, defining the form of ballot to be used at elections. The report of the committee was adopted.

INVITED TO A SEAT.

Captain M. L. McCormack, of Grand Forks, late democratic candidate for congress, being present in the corridor, was, on motion of Mr. Jolley, invited to a seat upon the floor of the council chamber.

SCOTLAND'S CHARTER.

House file 178, having been recalled from the house, was taken up, and, on motion of Mr. Day, the vote by which it had passed the council was reconsidered. On his motion the bill was then amended and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

TERRITORY OF DAKOTA
EXECUTIVE OFFICE,
YANKTON, Feb. 23, 1881.

To the Legislative Council of the Territory of Dakota—I return herewith to the legislative council in which body it originated bill No. 83, entitled an act establishing an independent school district No. 1, of Grand Forks county, D. T., without my approval and signature and with my objections thereto:

I. This bill proposes to create an independent school district, embracing the town of Grand Forks and an area of outlying territory adjacent thereto, nearly eight times as large as the proposed city of Grand Forks; yet it is proposed in the bill that the city of Grand Forks shall receive all revenues, control and hold all property of the entire independent school district.

II. It provides authority for the independent school district to issue twenty-thousand dollars in bonds, without submitting the question to the people comprised in the district, and to fund an indefinite amount of outstanding indebtedness in the same manner.

III. Although all the property in the entire district, including the large area outside the city limits, is to be bonded and assessed under this bill, for school purposes and for the erection of school houses, the entire property created by assessments and sale of bonds, is vested in the city of Grand Forks, thus leaving a debt upon the school district for which it will have no assets.

IV. It authorizes the city council of Grand Forks to make ordinances and by-laws to govern the schools and property in the district outside the city limits, and provides for but one member in the school board from this territory, who can at best only enter a minority protest in regard to school management in that section.

V. It so mingles and confuses the operations of the proposed independent school district, with the affairs of the city of Grand Forks, in which all of the property of the district is vested, that it would be very doubtful what would become of the bonds proposed to be issued in case the school district should be divided or dissolved.

While heartily sympathizing with the provisions of the bill which seeks to give increased facilities for the education of the people in the proposed district, I have felt constrained to point out what seems to me to be its objectionable features, hoping that such action will be taken as will remove all its objectionable features.

N. G. ORDWAY,
Governor.

Immediately after the reading of the message, the council took up the bill and it was passed over the veto by a unanimous vote.

INTRODUCTION OF A BILL.

Mr. Shaw, by unanimous consent, introduced a bill for an act regarding the removal of territorial and United States prisoners to the territorial penitentiary when completed.

The rules were suspended, the bill read three times and passed.

COUNCIL BILLS.

were read a third time and disposed of as follows.

No. 152, to amend the funding act of the counties of Moody, Brookings, Grand Forks and Burleigh. Lost—ayes 1, noes 11.

No. 144, to relieve certain citizens of Morton county from paying a liquor license. Passed.

No. 156, to amend section 13, of chapter 39, of the political code, relating to fees of probate judges; referred to Messrs. Wilson and Wiggins.

HOUSE FILES.

No. 73, to authorize school districts to issue bonds to build school houses, Passed—ayes 7; noes 5.

No. 81, to protect manufacturers and dealers in ale and beer from loss of bottles and packages. Passed.

No. 129, requiring election tickets to be printed or written on white paper. Passed.

No. 141, legalizing certain acts of the city of Fargo in regard to the construction of street railroads. Passed.

RECESS.

On motion of Mr. Day, the council took a recess until 2:30 p.m.

House.

AFTERNOON SESSION.

Friday, February 22—House convened at 2 p. m., Mr. Speaker in the chair and all members present.

COUNCIL BILLS.

Council bill 58, to amend section 56, of the civil code had its third reading and was passed.

HOUSE BILLS.

The following house bills had their

second reading and were referred as indicated.

Number 180, to amend an act passed by the 14th legislative assembly to define the boundaries of judicial districts and to fix the times of court therein, to the committee on counties and townships.

Number 192, relating to garnishment, to the judiciary committee.

Number 175, to provide a board of education for Deadwood, to the committee on education.

Number 196, locating and endowing a state normal school, to the committee on education.

Number 197, to more definitely define the boundaries of certain counties, to the committee on counties and townships.

INVITATION ACCEPTED.

Mr. Boyles rose to a question of privilege and sent to the clerk's desk a communication from the citizens of Yankton inviting the members of the house to attend a complimentary banquet and reception at Turner hall on Friday evening the 25th inst.

The invitation was read, and on motion of Mr. Wells, the invitation was accepted, the thanks of the house extended to the people of Yankton and the proceedings pertaining thereto ordered placed upon the journal.

THE APPOINTMENT BILL.

A message was received from the council announcing the passage with amendments, of house file 119, providing an apportionment of legislative representation.

The rules were suspended and the amended bill taken up for consideration in connection with its amendments.

Mr. Inman moved that the council amendments be concurred in.

Mr. Rohr moved a substitute to the effect that the house refuse to concur in the council amendments.

On motion of Mr. Cross, a recess of ten minutes was taken.

After recess, Mr. Rohr's substitute was withdrawn and a vote was taken on Mr. Inman's motion to concur, and it was adopted.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, through his private secretary, calling attention to accompanying documents inviting Dakota to provide a memorial stone for the Washington monument.

On motion of Mr. Wells, a committee of five was appointed to act upon the matter, the speaker appointing Messrs. Wells, LaMoure, McBratney, Thorne and Thielman as such committee.

HOUSE BILLS.

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

Number 150, to legalize the town plat of New Madison under the name of Madison, was passed.

Number 43, to protect the passage of fish in the streams of Dakota, was passed, and Mr. Kennedy gave notice of the reconsideration of the vote by which the bill passed.

Number 50, defining the boundaries of the third judicial district and fixing the terms of court therein, was rejected.

Number 90, to locate, establish and endow a state normal school at Alexandria, was passed.

Number 108, providing for the taxation of the net proceeds of mines.

Mr. LaMoure moved that further consideration of the bill be indefinitely postponed and the motion was lost—12 to 12.

Mr. French moved that the bill be committed to the committee of the whole and the motion was lost—12 to 12.

The bill then came up for its third reading and final passage, but after discussion further action was deferred until the regular order to-morrow.

Number 117, to provide for funding the warrants and outstanding indebtedness of counties, was passed.

ADJOURNMENT RESOLUTION.

Mr. Ellefson presented a concurrent resolution to the effect that the legislature adjourn without day on Monday, February 28th, and the resolution was adopted by unanimous vote.

RECONSIDERED.

On motion of Mr. LaMoure, the vote by which council bill 121, relating to salaries of county clerks, was passed, was reconsidered and the bill was referred to the committee on insurance, banks and banking.

HOUSE BILLS.

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

Number 127, to amend chapter 60 of the penal code, relating to fire breaks, was passed.

Number 127, creating a tax on bullion, was put over until the regular order to-morrow, to come up in connection with number 108.

Number 131, to amend section twenty-four, chapter thirty-nine of the political code, was passed.

Number 141, to provide for the publication of laws in the newspapers of the territory was indefinitely postponed, on motion of Mr. Baynes.

Number 148, granting the right to establish and maintain a wagon bridge across Big Heart river between Mandan and Fort Lincoln, was passed.

Number 151, to amend chapter 32, laws of 1879, entitled fire guards, was passed.

Number 155, to amend sections 16 and 17 of chapter two of the penal code, was rejected.

Number 161, to attach the county of Mandan to the county of Lawrence for judicial purposes, was rejected.

Number 162, to extend the time allowed the assessor of Lawrence county in which to make his returns and for other purposes, was passed.

Number 170, to regulate the fees of certain officers of Lawrence county, was passed.

Number 172, amending section seven, chapter 39, of the political code, was passed.

Number 182, to provide for the construction of three wagon bridges across the Big Sioux river in Moody county, was passed.

ADJOURNMENT.

The house, at 5:20 p. m., adjourned until ten o'clock to-morrow morning.

House.

Wednesday, February 23.—The house convened at ten o'clock a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all members present.

The journal of the preceding session was read and approved.

THE THIRD HOUSE.

On motion of Mr. LaMoure, the house chamber was devoted to the session of the third house, the sovereigns of Dakota, for the biennial session of that august body.

COMMITTEE OF THE WHOLE.

On motion of Mr. LaMoure, the house, at 10:15 a. m., went into committee of the whole on the general order, Mr. Inman in the chair.

THE COMMITTEE ROSE

at 12:45 and reported sundry bills as having been acted upon and the report was adopted.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 152 and house files 14, 93, 116, 167, 179, 174, and 171. Also that the council had failed to concur in house files 75 and 74. Also that the council had indefinitely postponed house file 180, reducing the salary of the judge of the first judicial district to \$24. Also that the council failed to concur in the house amendments to council bill 101.

RECESS.

the house, at 12:50 p. m., adjourned until 2:30 p. m.