



DAKOTA'S LEGISLATURE.

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

Fourteenth Session.—44th and 45th Days.

Council.

AFTERNOON SESSION.

The council reconvened at 2 p. m., with the president in the chair and all members in their seats.

HOUSE FILES

No. 149, providing for the appointment of a board of commissioners to represent Dakota at the international exhibition of 1883. The bill authorizes the expenditure of twenty-five thousand dollars for the purpose of displaying the products and advantages of Dakota at that exhibition.

After a discussion in regard to the provisions of the bill and a general expression that it required amendment, it was, on motion of Mr. Martin, re-committed to the judiciary committee.

CORRECTLY ENROLLED.

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

No. 101, to authorize Moody county to issue bonds for the erection and construction of a court house.

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

No. 111, granting the right to establish and maintain a bridge across the Red river at the city of Grand Forks.

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

No. 128, to amend chapter 28 of the political code and chapter 49 of the session laws of 1879, entitled revenue.

No. 138, to fund the indebtedness of the city of Bismarck.

No. 149, amending the act providing a board of education for the city of Fargo, and regulating the management of public schools therein.

No. 150, providing a charter for the city of Fargo.

The above named bills were then signed by the president.

HOUSE FILES.

On motion of Mr. Gamble, the rules were suspended and the following house files were read a second time and disposed of as indicated:

Concurrent resolution providing for final adjournment on Monday next, was, on motion of Mr. Scobey, indefinitely postponed.

No. 70, to equalize certain taxes, to the committee on finance and expenditures.

No. 90, to locate, establish and endow a state normal school, to the committee on education.

No. 118, providing for the funding of county warrants, to the committee on counties.

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

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

No. 148, for the construction of a bridge across the Hart river, to the committee on highways, roads and bridges.

No. 150, to legalize the plat of New Madison, &c., to the committee on counties.

No. 157, to amend chapter 22 of the session laws of 178, to the committee on agriculture.

No. 162, extending the time for the assessor of Lawrence county to make returns, to the committee on territorial affairs.

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

ADJOURNMENT.

On motion of Mr. Martin the council adjourned until 10 o'clock, Thursday morning.

Council.

Thursday, February 24.—The council met at 10 a. m., the president in the chair.

Prayer by the chaplain.

Members all present.

Minutes read and approved.

RETURN REQUESTED.

On motion of Mr. Shaw a joint resolution was adopted requesting the governor to return to the council for correction council bill 101, relating to the issue of bonds in Moody county.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on enrolled and engrossed bills, reported that he yesterday presented to the governor for his approval the following council bills:

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 judicial districts of the territory of Dakota and to sub-divide the same, 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.

No. 131, to incorporate the city of Canton.

No. 101, to authorize the board of county commissioners of the county of Moody to issue bonds for the erection of a court house for the use of said county.

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

No. 111, granting the right to establish and maintain a bridge across the Red river at the city of Grand Forks.

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

No. 138, to fund the indebtedness of the city of Bismarck.

No. 144, to amend chapter 28 of the political code and chapter 49 of the session laws of 1879, entitled revenue.

No. 150, providing a new charter for the city of Fargo.

Mr. Shaw, from the committee on finance and expenditures, reported and recommended the passage of house 177, making an appropriation to compensate the chief clerks for closing up their journals.

Also, house file 70, providing for the equalization of taxes in certain cases, with a recommendation that it do not pass.

Mr. Wiggin, from the committee on agriculture, reported without recommendation, house file 151, relating to fire guards.

Mr. Walsh, from the committee on highways and bridges, reported, with amendments, house file 148, for a bridge over Hart river.

Mr. Gamble, from the committee on judiciary, reported without recommendation, house file 127, to amend chapter 60 of the penal code.

Also, recommending the passage of council bill 145, to amend section 67, of the code of civil procedure and a majority report recommended the passage with amendments of house file 149, providing a board of commissioners for the international exhibition of 1873.

Mr. Jolley, from the judiciary committee, presented a majority report recommending that house file 149 do not pass.

Mr. Day, from the committee on counties, reported back house file 118 and recommended its passage.

Mr. Wilson, from the judiciary committee, reported a substitute for council bill 151, relating to mechanics' liens, recommending its passage.

INTRODUCTION OF BILLS.

Unanimous consent being given, Mr. President introduced a bill relating to the redistricting of the county of Grand Forks, which under a suspension of the rules was read three times and passed.

Mr. Wiggin introduced a bill to vacate a certain portion of the town of Canton, which was read the second time and referred to the committee on counties.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that the house had appointed conference committees on the disagreement of the two houses on house files 14, and 173, and also that the house had passed house files 220, 221, 222 and 223.

Mr. Day moved that the council do not recede from its amendments to house file 14. The bill provides for a registry law, and the council amendments exempted Brule county from its provisions. The motion was lost.

On motion of Mr. Scobey the council receded from its amendments.

The president appointed Messrs. Fisher, Gamble and Scobey a conference committee on house file 173.

RECONSIDERED.

On motion of Mr. Scobey the joint resolution recalling from the governor council bill 101, was reconsidered.

COUNCIL BILLS.

The following council bills were read a third time and passed:
Number 131, to amend chapter 31 of the political code, relating to mechanics' liens.

No. 145, to amend section 667, of the civil code.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of council bill 60, relating to re-districting Grand Forks county and house file 225, to amend section 2, chapter 21, of the political code.

On motion of Mr. Jolley, the rules were suspended and house file 225 passed. It makes the elections on odd numbered years "annual elections," and those on even numbered years, "general elections."

MESSAGE FROM THE GOVERNOR.

A message from the governor announced the approval of the following council bills:

No. 35, to authorize the issues of bonds to construct a hospital for the insane and to provide for the building of the same.

No. 67, to amend section 49 and 50, article 6, chapter 1, of the justices' code.

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

No. 79, to amend section 1445 of article 7, chapter 2, title 10, of the civil code.

No. 97, to appropriate the sum of \$500 to aid in the removal of the bodies of persons interred upon lands belonging to the insane hospital of Dakota.

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

No. 80, to provide for the education of the deaf and dumb of Dakota territory.

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

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

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

HOUSE FILES

were read a third time and disposed of as follows:

No. 118, providing for funding the indebtedness of counties. Passed.

No. 127, to amend chapter 60 of the penal code, relating to fire breaks, was lost—ayes, 5; noes, 6.

Mr. Gamble gave notice that he would to-morrow move a re-consideration of the last vote.

RECESS.

On motion of Mr. Gamble the council took a recess until two p. m.

House.

AFTERNOON SESSION.

Wednesday, Feb. 23.—The house reconvened at 2:30 o'clock p. m., Mr. Speaker in the chair and all the members present.

BILLS INTRODUCED.

Mr. La Moure, by unanimous consent, introduced house file 220, giving copies

of the revised codes and session laws to the members of the legislature and certain territorial officers. Under a suspension of the rules, the bill had its several readings and was passed.

Mr. La Moure, by unanimous consent, introduced house file 221, to amend the title to the bill providing a new city charter of Fargo. Under a suspension of the rules, the bill had its several readings and was passed.

Mr. Thielman, by unanimous consent, introduced house file 222, to amend the act incorporating the village of Parker. Under a suspension of the rules, the bill had its several readings and was passed.

Mr. Thielman, by unanimous consent, introduced house file 223, to vacate the townsite of Freedom, in Turner county. Under a suspension of the rules, the bill had its several readings and was passed.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills 141, 154, and 158, and house bills 73, 91, 139 and 178, with amendments. Also that the council had passed council bill 83 over the veto of the governor.

ACTION ON VETTED BILLS.

Council bill 71, to re-district the county of Grand Forks into five commissioner districts, vetoed by the governor, came up as the special order, and Mr. La Moure moved that the bill pass, the objections of the governor to the contrary, notwithstanding. A vote was taken and it finally stood seventeen to six, and the bill was passed over the veto. Messrs. Cross, Ellefson, French, Landmann, Thompson and Mr. Speaker voted in the negative. Mr. Van Osdel was excused, and all the rest voted in the affirmative.

Council bill eighty-three, establishing an independent school district, embracing the town of Grand Forks, in the county of Grand Forks, vetoed by the governor, was called up as a special order and the question being, shall the bill pass, the objections of the governor to the contrary, notwithstanding, the vote was taken and it stood unanimous for the passage of the bill and it was passed over the veto.

RE-CONSIDERATION.

Mr. Dickey moved a re-consideration of the vote by which council bill 100 (ordering the issuing of county warrants when the accounts are due, whether there is money in the treasury or not), was adopted, and the bill was referred to the committee on counties and townships.

COMMITTEE REPORTS.

Mr. Inman, from the committee on insurance, banks and banking, reported back council bill 121, with amendments and recommended its passage.

Mr. Cross, from the committee on charitable and penal institutions, reported back house file 181, with a recommendation that it do not pass.

Mr. Warner, from the committee on education, reported back house file 140 with a recommendation that it pass, house file 195, that it pass, council bill 132 that it go to the committee of the whole, house file 139 that it pass, house file 130 that it pass.

Mr. Wells, from the committee on railroads, reported back house file 136 with a recommendation that it pass.

Mr. Boyles, from the committee on judiciary, reported back house file 102, with a recommendation that it pass.

RECONSIDERATION.

Mr. Dickey moved that the vote by which council bill 35, relating to vendor's lien, was lost, be reconsidered and the motion to reconsider was laid upon the table, on motion of Mr. French.

COUNCIL AMENDMENTS.

House file 73, returned from the council amended was taken up and part of the amendments concurred in and a committee of conference appointed on the rest.

The council amendments to house files 67, 91, 129, 179 and 167 were concurred in.

HOUSE BILLS.

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

Number 186, to amend section 50, chapter 59 of the laws of 1879 was placed on the table without reference.

Number 187, to amend sections seventeen and eighteen, chapter fourteen, laws 1879, was placed on the table without reference.

Number 189, for the collection of taxes on personal property, to the committee on finance and revenue.

Number 163, to amend chapter 39 of the political code, was placed on the table without reference.

Number 194, to amend section three, 29 and 36 of chapter 27, political code, was placed on the table without reference.

Number 198, to increase the pay of the assessors of Custer and Pennington counties, was placed on the table without reference.

Number 199, to create the county of Harding, to the committee on counties and townships.

Number 200, to define the boundaries of Miner county, to the committee on counties and townships.

Number 201, to amend section 64, chapter 21 political code, placed upon the table without reference.

Number 205, to amend the act providing for funding the bonds and coupons issued by Yankton county, to a special committee consisting of the Yankton county delegation.

Number 206, to enable the counties of Grand Forks, Walsh and Pembina to issue bonds for the construction of railroads, to the committee on counties and townships.

Number 215, to amend the act incorporating the village of Jamestown, placed on the table.

Number 216, to organize the county of Dickey, to the committee on counties and townships.

Number 218, relating to certain expenditures, to the committee on judiciary.

ADJOURNMENT.

The house, at 5:45 p. m., adjourned until nine o'clock to-morrow morning.

HOUSE.

Thursday, February 24.—The house convened at nine o'clock a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and fourteen members responded to roll call. The balance dropped in a few moments afterwards.

The journal of the preceding session was read and approved.

BILL INTRODUCED.

Mr. Rohr, by unanimous consent, introduced house file 224, to prevent the killing of deer in the counties of Clay, Union and Lincoln during certain months.

COMMITTEE REPORTS.

Mr. Donaldson, from the committee on ways and means, reported back house file 136 with amendments and a recommendation that it pass.

Mr. Miller, from the committee on finance and revenue, reported back house file 189 with a recommendation that it pass.

Mr. Kennedy, from the committee on counties and townships, reported back house file 197 without recommendation and house files 230 and 25 with a recommendation that they pass.

Mr. Ellefson, from the committee on agriculture, reported back house file 112 with substitute and a recommendation that it pass.

Mr. Inman, from the committee on insurance and banking, reported back house file 104, amended and with a recommendation that it pass.

Mr. Cross, from the committee on charitable and penal institutions, reported back house file 104 with amendments and a recommendation that it pass. Also, from the committee on immigration, council bill ninety-one without recommendation. The latter provides for a territorial board of immigration.

COUNCIL MESSAGES CONSIDERED.

House file 116, having been returned amended from the council, the house refused to concur in the amendments and a committee of conference was appointed.

The council amendments to house file 178 were concurred in.

COUNCIL BILLS.

Council bills 141, 152, 154 and 158 had their first reading.

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

Number 130, for the construction of a court house and jail in Hughes county, to the committee on counties and townships.

Number 133, to amend section 452 of the civil code, to the committee on judiciary.

Number 137, to amend section four, chapter 50, of the political code, to the committee on judiciary.

Number 139, to provide for the election of justices of the peace in Morton county, to the committee on counties and townships.

Number 140, to change the name of the town of Stickney to Ojata, to the committee on counties and townships.

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

Number ten, to authorize the commissioners of Kingsbury county to issue bonds for the construction of a court house and jail, was passed by unanimous vote.

Number 109, to increase the salary of the territorial treasurer to \$1200 a year, was passed, Mr. Thompson alone voting in the negative.

Number 121, a memorial praying for the division of Dakota into north, south and west Dakota was lost, Messrs. Cross, Dickey, Donaldson, Ellefson, French, McBratney, Miller, Thielman, Van Osdel, Warner and Mr. Speaker voting in the affirmative, and Messrs. Baynes, Boyles, Hale, Inman, Kennedy, LaMoure, Landman, Nomland, Rohr, Thompson and Thorne voting in the negative.

HOUSE BILLS.

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

Number 188, to amend the act for the protection of game, to the committee on territorial affairs.

No. 202, to amend section 503, chapter three, of the revised code, to the committee on finance and revenue.

Number 204, to amend section 542 of the civil code, to the committee on insurance, banks and banking.

Number 207, to amend section 328, article ten, chapter thirteen, part two of the code of civil procedure, to the committee on judiciary.

Number 208, to amend the law requiring the publication of insurance statements, to the committee on insurance, banks and banking.

Number 209, to require telegraph and express companies to pay taxes the same as railroad companies, to the committee on railroads.

Number 210, to encourage exploration for coal deposits, to the committee on mines and mining.

Number 203, regulating the costs in civil actions and special proceedings in district court, to the committee on judiciary.

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

Number 108, providing for the taxation of the net proceeds of mines was rejected—15 to 5, Messrs. French, Hale, Inman, Thielman and VanOsdel voting in the affirmative and all the rest in the negative.

Number 128, creating a tax on bullion, was rejected—14 to 7—Messrs. Donaldson, French, Hale, Inman, Landman, Thielman and Van Osdel voting in the affirmative and all the rest in the negative.

A motion for the reconsideration of the vote by which 108 and 128 were lost was laid upon the table.

Number 92, providing for boards of education for the cities of Deadwood and Bismarek, was passed by unanimous vote.

Number 101, a memorial to congress asking for an increased appropriation for the surveys of public lands, was passed by unanimous vote.

Number 206, to enable the counties of Grand Forks, Walsh and Pembina to issue bonds for the construction of railroads, was passed by unanimous vote.

Number 195, providing a board of education for the city of Deadwood, was passed by unanimous vote.

Number 130, to provide for a general and uniform system of schools, was passed, 18 to 3, Messrs. Donaldson, Thompson and Van Osdel voting in the negative.

Number 102, to repeal section three, chapter 20, of the session laws of 1879, relating to fees of county treasurers, was passed.

Number 142, to amend subdivision 14, section two, chapter 23 of the political code, entitled revenue, was passed by unanimous vote.

Number 139, to locate, establish and endow a state normal school, was passed, 15 to 5, Messrs. Cross, Ellefson, Rohr, Thompson and Van Osdel voting in the negative.

Number 143, regulating the duties of county assessors and for other purposes, was passed, 15 to 5, Messrs. French, Inman, Rohr, Thielman and Thompson voting in the negative.

Number 146, to amend chapter 30 of the political code, was rejected, 16 to 4, Messrs. Baynes, Dickey, Landman and Warner voting in the negative.

Number 173, authorizing the publication of 5,000 copies of the public school law and appropriating money for the payment of the same, was passed, 17 to 3, Messrs. Dickey, Inman and Landmann voting in the negative.

Number 186, was passed by unanimous vote.

Number 187, to provide for drawing school funds four times a year, was passed by unanimous vote.

Number 193, to amend chapter 39 of the political code, relating to millers' rights, was passed by unanimous vote.

Number 194, to amend sections three, twenty-nine and thirty-six, of chapter twenty-seven of the political code, was passed by unanimous vote.

Number 198, to increase the pay of the assessors in the counties of Pennington and Custer, was passed by unanimous vote.

Number 216, to amend the act incorporating the village of Jamestown, was passed by unanimous vote.

Number 225, introduced by Mr. Wells, by unanimous consent, was passed under a suspension of the rules. It amends section two, chapter 21 of the political code.

MESSAGE FROM THE GOVERNOR.

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

Number 54, amending section 501, of the civil code.

Number 45, amending the act providing a board of education for the city of Yankton.

Number 135, amending section 30 of the public school act.

Number 131, providing for the construction of a court house and jail in the county of Lawrence.

RECESS.

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

House.

AFTERNOON SESSION.

The house reconvened at two p. m. and immediately went into

COMMITTEE OF THE WHOLE

on the general order, Mr. Baynes in the chair.

THE COMMITTEE ROSE

at three o'clock and reported back sundry bills and the report was adopted.

VARIOUS MOTIONS, ETC.

Mr. LaMoure moved that the house concur in the council amendments to house file 174, and the motion was adopted.

Mr. Hale gave notice of a motion to reconsider the vote by which council bill 121 was lost.

Mr. Dickey moved that the rules be suspended and that council bill 141, legalizing ordinance number fourteen of the city of Fargo, have its several readings and be put upon its final passage. The motion was adopted and the vote being taken, the bill was passed, 16 to 5, Messrs. Ellefson, Thompson, Thorne, Van Osdel and Mr. Speaker voting in the negative.

Mr. LaMoure announced that he found it necessary to leave to-morrow, and desired to return his thanks to the house for the excellent treatment he had received.

Mr. Wells moved that Mr. PaMoure be excused from further attendance upon the legislative session, and the motion was adopted by unanimous vote, after a few complimentary remarks by Mr. Boyles and Mr. Speaker.

On motion of Mr. Rohr, the rules were suspended and house file 180 was taken up, placed upon its third reading and final passage and was passed by unanimous vote. It provides for the collection of taxes on personal property.

Mr. Boyles, from the judiciary committee, reported back house file 125 with amendments and a recommendation that it pass, and house bill 145, without recommendation.

Mr. Van Osdel moved that the rules be suspended and that house file 112, to repeal the herd law during the winter months, be placed upon its third reading and final passage, and the motion was adopted. The bill being put upon its final passage, the vote stood, 16 yeas, 4 nays, and it was passed, Messrs. Inman, Rohr, Thompson and Warner voting in the negative.

Mr. Donaldson from the committee on ways and means, reported back house file 29, with a recommendation that it pass.

ADJOURNMENT.

The house, at 3:00 p. m., adjourned to ten o'clock to-morrow evening.