



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—45th and 46th Days.

Council.

AFTERNOON SESSION.

Thursday, Feb. 24.—The council reconvened at 2 p. m. with the president in the chair, and members all present.

HOUSE FILES.

The following house files were read a third time and disposed of as indicated: No. 148, authorizing the building of a bridge across Hart river. Passed.

No. 177, providing compensation to the chief clerks for completing the records of their respective houses. Passed.

No. 151, to amend chapter 22, of the laws of 1879, relating to fire breaks, was re-committed to a special committee, consisting of Messrs. Wallace, Gamble and Wiggin.

No. 70, for the equalization of taxes in certain cases. Lost—ayes 4, noes 7.

No. 150, to legalize the plat of New Madison under the name of Madison. Passed.

No. 90, locating a normal school at Alexandria. Passed.

No. 149, providing for the appointment of a commission to represent Dakota in the exhibition of 1883. The amendments reported this morning by the committee fix the appropriation for the use of the commissioners at \$20,000.

When the bill came up for consideration, Mr. Jolley moved to strike out \$20,000 and insert \$10,000, which motion was lost.

Mr. President (Mr. Gamble in the chair) moved to amend by striking out \$20,000 and inserting \$15,000. Lost.

Mr. Wallace offered an amendment to the effect that the commissioners should use a portion of the appropriation to procure a block of Dakota quartz or granite to be placed in the Washington monument, but the amendment was ruled out.

Mr. Day moved to amend by providing that the commissioners should be restricted to ninety days service as such commissioners and that their per diem should be \$6 a day, and that their appointment shall be confirmed by the council.

That portion of the amendment relating to per diem and term of service was voted down, and that portion requiring the confirmation of the commissioners was adopted.

The bill then passed—ayes 9, noes 3, Messrs. Day, Jolley, and Walsh of Union voting in the negative.

Number 220, to amend section four of chapter three of the political code, referred to the committee on finance and expenditures.

Number 221, supplemental to council bill 150, relating to the incorporation of the city of Fargo, referred to Mr. Fisher.

No. 222, a supplement to the act incorporating the village of Parker, to the committee on counties.

No. 223, to vacate the town site of Freedom, in Turner county, to the committee on counties.

MESSAGE FROM THE HOUSE.

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

Council bill 10, relating to the issue of bonds by Kingsbury county.

Council bill 109, to amend section 3, of chapter 30, of the political code.

Council bill 141, legalizing a certain ordinance of the city of Fargo.

Also, the passage of house files 92, 101, 139, 142, 173, 186, 187, 193, 195, 198 and 206.

And returned to the council house file 116, with the information that the house had refused to concur in the council amendments thereto, and that Messrs. Thielman, Dickey, and Inman had been appointed as a conference thereon.

On motion of Mr. Day, a conference committee on the part of the council was appointed, consisting of Messrs. Day, Scooby and Martin.

HOUSE FILES.

House files 92, 101, 139, 142, 173, 186, 187, 193, 195, 198 and 206 were given their first reading.

On motion of Mr. Martin the rules were suspended and house file 198, fixing the salary of the assessors of Pennington and Custer counties, read and passed.

On motion of Mr. Wilson the rules were suspended and the following house files given their second reading and reference as follows:

No. 92, providing boards of education for Deadwood and Bismarck, to a special committee consisting of Messrs. Wilson and Wallace.

No. 101, a memorial to congress asking an increased appropriation for the survey of public lands. Laid on the table to come up in regular order.

No. 139, for a state normal school at Madison, to the committee on education.

No. 152, to amend sub-division 14, of section 2, chapter 28 of the political code, to the committee on agriculture.

No. 173, authorizing the publication of 5,000 copies of public school laws, to the committee on public printing.

No. 186, to amend section 50 of chapter 49 of the laws of 1879, to the committee on finance and expenditures.

No. 187, to amend sections 17 and 18 of chapter 14 of the laws of 1879, to the committee on education.

No. 193, to amend chapter 39 of the political code, to the committee on judiciary.

No. 195, providing a board of education for the city of Deadwood, to a special committee consisting of Mr. Wilson.

ADJOURNMENT.

On motion of President Walsh the council adjourned.

Council.

Friday, February, 25.—The council met at 10 a. m., with the president in the chair.

Prayer by the chaplain.

Roll call showed members all present. Minutes read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house stating that the house had passed over the governor's veto, council bill 83, creating the independent school district of Grand Forks, and that the house failed to pass over the veto council bill 71, to re-district the county of Grand Forks into five commissioner districts; also the passage of council bill 114, to amend section 567 of the civil code, and asking the council to concur house bills 112, 206 and 215.

DOGS AND SCHOOL LANDS.

The president read a communication from John W. Allen, of Deadwood, asking the legislature to pass a law to tax dogs, and to see what can be done towards renting the public school lands to responsible parties.

REPORTS OF COMMITTEES.

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

No. 43, to amend section 215 of the code of civil procedure.

No. 75, to authorize school district No. 1 of Morton county to issue bonds for the purpose of building a school house.

No. 90, to amend certain sections of chapter 59 of the laws of 1879, entitled an act providing for the organization of civil townships and the government thereof.

No. 107, to amend sub-division 2 of section 199 and section 218 of the code of civil procedure.

No. 147, to incorporate the village of Brookings in the county of Brookings.

No. 149, to amend an act providing a board of education for the city of Fargo, regulating the management of public schools therein.

No. 153, authorizing the board of county commissioners of Burleigh county to fund the outstanding indebtedness thereof.

No. 160, to divide the county of Grand Forks into five commissioner districts.

Mr. Shaw, from the committee on finance and expenditures, reported back and recommended the passage of house files 186 and 220.

Mr. Day, from the conference committee on house file 116, relating to the removal of county seats, reported that the committees could not agree.

Mr. Wallace, from a special committee to which had been referred house file 192, creating boards of education for the cities of Deadwood and Bismarck, reported amendments striking out Deadwood and making it apply only to Bismarck, and recommending its passage.

Mr. Wiggin, from the committee on agriculture, reported with amendments, and recommended the passage of house file 145.

Mr. Gamble, from the committee on judiciary, reported back house file 193, and recommended its passage.

Mr. Day, from the committee on counties, reported in favor of the passage of council bill 161, vacating a portion of the town of Canton.

Mr. Wilson, from a special committee, reported back and recommended the passage of house file 195, to create a board of education for the city of Deadwood.

Mr. Day, from the committee on counties, reported favorably house file 223, to vacate the plat of the town of Freedom, Turner county; also, reported back and recommended the passage of house file 222, supplementary to the act incorporating the village of Parker.

INTRODUCTION OF BILLS.

By unanimous consent, Mr. Fisher introduced a bill supplemental to council bill 150, to incorporate the city of Fargo, and on his motion the rules were suspended, the bill read three times and passed.

By Mr. Scooby—For an act to amend an act entitled an act to fund the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks.

COUNCIL BILLS.

The following council bill was read a third time and passed:

No. 161, to vacate a portion of the town of Canton.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of house files 43, 102, 130, 143, 170, 182, 194, 226 and 227, and a resolution asking the council to reconsider its action in defeating house file 70.

HOUSE FILES.

were read a second time and disposed of as indicated:

No. 112, to amend the herd law, referred to the committee on agriculture.

No. 206, authorizing the counties of Grand Forks, Walsh and Pennington to vote aid to railroads, to the committee on railroads.

No. 215, amending the act incorporating the village of Jamestown, to the committee on counties.

On motion of Mr. Day the council refused to recede from its amendments to house file 116.

The following house files were given their third reading:

No. 142, relating to the exemption from taxes of land planted to timber. Passed.

No. 186, to amend section 50 of chapter 59 of the laws of 1879. Passed.

No. 187, to amend sections 17 and 18 of the school law. Laid on the table.

No. 193, to amend chapter 39 of the political code. Passed.

No. 195, providing a board of education for the city of Deadwood. Passed.

No. 220, to amend chapter 3 of the political code. Passed.

No. 222, relating to the incorporation of the village of Parker. Passed.

No. 223, to vacate the townsite of Freedom, Turner county. Passed.

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

No. 112, amending the herd law, was re-committed to the committee on judiciary.

HOUSE MESSAGE.

The last message received from the house was taken up and read.

Mr. Shaw moved that in pursuance of the request of the house that the council reconsider the vote by which house file 70 was defeated.

The motion to reconsider was, on motion of Mr. Wilson, laid upon the table.

RECESS.
On motion of Mr. Day the council took a recess until 2 o'clock p. m.

HOUSE.

Friday, Feb. 25.—The house convened at ten o'clock a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all the members in their seats.

The journal of the preceding session was read and approved.

RECOMMENDATION.

Mr. Landman moved that the vote by which house bill 178 passed be reconsidered and the motion was adopted.

Mr. Hale moved that the vote by which council bill 124 was lost be reconsidered and the motion was adopted.

COMMITTEE REPORTS.

Mr. Rohr, from the committee on territorial affairs, reported house file 188, with a recommendation that it pass with amendments.

Mr. Kenney, from the committee on counties and townships, reported house file 216, and council bill 140, with a recommendation that it pass.

Mr. Miller, from the committee on finance and revenue, reported house file 204 with a recommendation that it pass.

Mr. Iman, from the committee on insurance, banks and banking, reported house file 201 with a recommendation that it pass.

Mr. McBratney, from the committee on mines and mining, reported council bill 122 with a recommendation that it pass amended.

Mr. Boyles, from the committee on judiciary, reported council bill 133, substitute, with a recommendation that it pass amended.

Mr. Moore, from the committee on incorporations, reported council bill 135 with a recommendation that it pass amended.

Mr. Baynes, from the conference committee on house file 73 reported a recommendation that the house concur in the council amendments.

Mr. Van Osdel, from the special committee consisting of the Yankton county delegation to consider house file 203, made a majority report recommending the passage of the bill.

Mr. Dickey, from the conference committee, on house file 116, reported that the committee had failed to agree upon any compromise.

A RESOLUTION.

Mr. Ellefson presented a resolution asking the council to reconsider the vote by which house file 70 was defeated in that body.

BILLS INTRODUCED.

By unanimous consent, the following bills were introduced:

By Mr. Ellefson—House file 226—to establish an independent school district in the village of Valley Springs.

By Mr. Thielman—House file 227—to vacate parts of the town plats of Freeman and Menno.

Under a suspension of the rules, these bills had their several readings and were passed by unanimous vote.

A RAILROAD MEASURE.

Mr. Van Osdel moved that the committee on railroads be instructed to report upon house file 114, relating to railroad taxation, the report to be made immediately. The motion was lost by a vote of 13 to 11.

Mr. Van Osdel moved that the railroad committee be instructed to report upon the same bill to-morrow morning. The motion was lost by a vote of 13 to 11.

COUNCIL MESSAGES CONSIDERED.

Council amendments to bills were considered.

Amendments to house bill 138, relating to a bridge across Big Heart river, were concurred in.

Amendments to house file 95, relating to sheriff's fees in certain cases, were concurred in.

Amendments to house file 198, increasing the pay of the assessors in Pennington and Custer counties, were concurred in.

COUNCIL BILLS.

Council bills 145 and 151 had their first reading.

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

Number 158, regarding the removal of the territorial and United States prisoners to the territorial penitentiary, when completed, had its third reading, under a suspension of the rules, and was passed by unanimous vote.

Mr. French gave notice of a motion to reconsider the vote by which the foregoing bill was passed.

Number 152, to amend section 31 and 238 of the code of civil procedure to the committee on judiciary.

Number 154, to relieve Morton county liquor dealers, who have paid a yearly license to Barleigh county, from the payment of license to Morton county for the year 1881. Under a suspension of the rules the bill had its third reading and was passed by unanimous vote.

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

Number 81, to create a board of immigration, was rejected, 13 to 8, Messrs. Baynes, Boyles, Cross, Kennedy, La Moure, Thorne, Warner and Wells voting in the affirmative.

Mr. Dickey gave notice of a motion to reconsider the vote by which the foregoing bill was lost.

Mr. French moved to reconsider the vote whereby number 91 was passed.

The chair (Mr. La Moure) ruled the motion out of order.

Mr. Landman appealed from the decision of the chair and the appeal was sustained.

Mr. French's motion was then put and Mr. Thompson moved to lay it on the table and the last motion was adopted.

Number 121, to amend section eight, chapter 39, of the political code, giving

county clerks in counties of 8,000 people or over, a salary of from \$600 to \$1,000, came up for third reading and passage.

Mr. Thompson moved to indefinitely postpone further consideration of the bill, and the motion was lost, 13 to 9.

The vote was then taken on its final passage, and it resulted in eight yeas and fourteen nays, and the bill was rejected.

Number 136, to extend for two months the time in which taxes shall become delinquent in 1881, was passed, eighteen to four.

BILLS INTRODUCED.

By unanimous consent, Mr. McBratney introduced house file 223, relating to the assessment of Lawrence county and the compensation of its assessor. Under a suspension of the rules, the bill had its several readings and was passed.

By unanimous consent, Mr. Baynes introduced house file 223, to authorize school district number six of Davison county to issue bonds and take up its outstanding indebtedness. Under a suspension of the rules, the bill had its several readings and was passed.

RECESS.

The house, at 12:20, took a recess until two o'clock p. m.

AFTERNOON SESSION.

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

HOUSE BILLS.

House file 224, for the protection of deer, had its second reading. The rules were suspended, the bill had its third reading and was passed by unanimous vote.

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

Number 202, to amend section 5609, chapter three of the revised code, was passed, Messrs. Cross, Moore, Rohr and Van Osdel voting in the negative.

Number 123, to fix the compensation of the territorial auditor at \$1,000 per annum, passed, Messrs. Hale, Moore, Rohr, Thielman and Thompson voting in the negative.

Number 104, regulating insurance corporations and the business of insurance, was passed, Messrs. Cross, Moore, Thompson and Van Osdel voting in the negative.

Number 140, to establish an independent school district at Madison, Lake county, passed by unanimous vote.

Number 132, relating to mortgages on personal property, was rejected, Mr. Kennedy alone voting in the affirmative.

Number 137, regulating the time for school district officers to qualify, was passed by unanimous vote.

Number 138, to change the territorial highway running from Madison to Forestburg, was passed by unanimous vote.

Number 151, to amend section three, chapter thirty-four of the political code, relating to incorporation of towns and cities, was passed, Messrs. Cross, French and Van Osdel voting in the negative.

Number 153, to amend section 118, chapter five, of the political code, was passed by unanimous vote.

Number 159, to amend chapter fifty-one of the political code, was passed, Messrs. Moore, Rohr and Thompson voting in the negative.

Number 181, to authorize school district one, Richland county, to issue bonds was passed, Messrs. Moore, Thompson and Thorne voting in the negative.

Number 184, to locate and establish a territorial institution for the education of the blind at Flandreau, was passed by unanimous vote.

Number 196, to locate, establish and endow a state normal school at Jamestown, was passed, Messrs. Rohr and Thompson voting in the negative.

Number 197, to more definitely define the boundaries of certain counties, was rejected, Messrs. Hale, Kennedy, Landman and Thorne voting in the negative.

Number 200, to define the boundaries of Miner county, was passed, Mr. Thorne alone voting in the negative.

Number 201, to amend section 64 chapter 21 political code, was passed by unanimous vote.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 161 and 162, and house files 131, 142, 185, 193, 195, 223, 122 and 123. Also that the council refused to recede from its amendments to house bill 116.

RECONSIDERATION.

On motion of Mr. French, the vote by which council bill 153 passed was reconsidered.

MR. McBRATNEY'S CONDITION.

Mr. Dickey introduced a resolution calling for the appointment of a committee to investigate the physical and mental condition of Mr. McBratney, who was confined to his boarding house by some unknown malady.

Dickey and Ellefson were appointed as such committee and they investigated the subject and reported that the gentleman from the Hills was laboring under a species of ailment not physical, but mental, and not curable. They recommended that the patient be granted an abundance of rest without the forfeiture of his four dollars a day. The report was adopted and resolutions of sympathy suggested.