



DAKOTA'S LEGISLATURE.

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

Fourteenth Session—50th and 51st Days.

Council.

AFTERNOON SESSION.

The council re-convened at 2 p. m., with the president in the chair and members all present.

HOUSE FILES

were read and disposed of as follows:

No. 188, to amend an act for the protection of game, referred to Mr. Day.

No. 207, to amend section 338 of code of civil procedure, to the committee on judiciary.

No. 234, to provide compensation for the enrolling clerk of the house of representatives, to the judiciary.

No. 235, to provide for the removal of territorial and United States prisoners to the Sioux Falls penitentiary when completed. The rules were suspended, the bill was amended by striking out all reference to United States prisoners, and passed.

No. 235, to provide a memorial book for the Washington monument, passed under suspension of the rules.

MESSAGE FROM THE HOUSE.

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

No. 168, to establish the county of Martin.

No. 169, fixing the salary of the territorial superintendent of public instruction; and the passage of council bill 160, over the governor's veto.

PUBLIC SURVEYS.

House file 101, a memorial praying congress for an increased appropriation for the survey of public lands in the territory, was taken up and passed.

COMMITTEE OF THE WHOLE.

At 3 p. m. the council went into committee of the whole. Mr. Fisher in the chair, on house file 164, to establish a board of health.

After the consideration of the bill and the adoption of sundry amendments, it was moved and carried that when the committee rise it recommend the passage of the bill as amended.

COMMITTEE REPORT.

The president resumed the chair, and the judiciary committee reported back with amendments house file 203, relating to costs in civil cases, and the report was adopted.

The chairman of the committee of the whole then made a report on house file 164, which report was adopted.

House file 203 was then taken up, read a third time and passed.

House file 164, to establish a board of health, was taken up and passed—ayes 8, noes 4—Messrs. Day, Shaw, Wiggin and Walsh of Union, voting in the negative.

MESSAGE FROM THE HOUSE.

A message from the house informed the council that the house had refused to concur in council amendments to house file 43, to provide for the protection of fish, and had appointed Messrs. Cross, Boyles and Thorne a conference committee thereon.

The council appointed as a conference committee on said bill Messrs. Wallace, Day and Scooby.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

Territory of Dakota, executive office, March 1, 1881.—To the legislative council of the territory of Dakota.—I return herewith to the council in which it originated, bill 114, entitled an act to amend section 567 of the civil code, without my approval and signature and with my objections thereto:

This bill seeks to amend section 567 of the civil code, so that any corporation may come into the territory and carry on business without filing with the secretary a copy of its charter or articles of incorporation as now provided in said section.

I am of the opinion that the law is right as it now stands and that the people should have the same rights to examine at the secretary's office, the charters and acts of incorporation of these foreign companies, as they now do, those of the corporations created in the territory.

The bill also appears to be retroactive in its character and may effect injuriously existing titles.

It also renders valid contracts heretofore made, which the law, at the time of their execution, declared invalid. If any curative legislation was advisable the amendment ought to point out what it was intended to cure, and save existing equitable rights.

I cannot see any good reason for giving outside corporations opportunities for concealing their manner and form of doing business, which is withheld from our own people, hence I think this bill should not become a law.

N. G. ORDWAY,
Governor.

ADJOURNMENT.

On motion the council adjourned until 10 o'clock to-morrow morning.

Council.

Wednesday, March 2.—The council met at 10 a. m., the president in the chair.

Prayer by the chaplain.

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

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. 99, to amend sections 281, 287, 288 and 290 of the code of civil procedure.

No. 119, concerning the right of way, easement and other necessary means for the development of mines.

No. 136, extending the time in which taxes shall become delinquent for the year 1880.

No. 137, to amend section 4 of chapter 50 of the political code, entitled registration of warrants.

No. 152, to amend section 31 and 237 of the code of civil procedure.

No. 161, to vacate a certain portion of the town of Canton, situated in the county of Lincoln.

No. 163, to amend an act to fund the outstanding indebtedness of Moody, Brookings, Burleigh and Grand Forks counties.

No. 164, to amend an act entitled an act to incorporate the city of Bismarck.

No. 166, to amend an act entitled an act to incorporate the city of Grand Forks.

No. 187, authorizing the board of county commissioners of Burleigh county to fund the outstanding indebtedness thereof.

Also, that he had presented to the secretary of the territory council bill 160, to divide the county of Grand Forks into five commissioner districts, passed over the governor's veto.

RECONSIDERATIONS.

On motion of Mr. Fisher the vote was reconsidered by which house file 203, providing for costs in civil actions, &c., was passed yesterday.

On motion of Mr. Jolley the vote by which house file 164, known as the doctor's bill, was passed yesterday.

VETO MESSAGE.

The governor's message, returning without his signature and his objections thereto, council bill 114, for an act to amend section 567 of the civil code, was taken up and read.

The question then being upon the passage of the bill the objections of the governor to the contrary notwithstanding, the vote stood as follows:

Ayes—Messrs. Day, Fisher, Gamble, Jolley, Martin, Shaw, Walsh of Union and Wilson—8.

Noes—Messrs. Wallace, Wiggin and Mr. President—3.

Mr. Scooby not voting.

So the bill passed over the governor's objections.

THE FEE BILL.

House file 203, the passage of which on yesterday was reconsidered this morning, was taken up and discussed, and being again put upon its passage and passed.

THE DOCTOR'S BILL.

House file 164, the passage of which was reconsidered this morning, was taken up and passed.

MESSAGE FROM THE HOUSE.

A message was received announcing the passage by the house of house file 209, to provide for the payment of taxes and granting the right and power to use highways and railroads to telegraph companies.

MESSAGE FROM THE GOVERNOR.

The following special message was received from the governor:

TERRITORY OF DAKOTA,
EXECUTIVE OFFICE,
Yankton, March 2, 1881.

To the President of the Legislative Council:—I have the honor to transmit through you to the legislative assembly a communication from the Tyne publishing company, London, England; also a communication from Clarence Gordon, special agent in the census bureau at Washington, asking for information and statistics, for furnishing thereof I have no means at my command.

I may be permitted to again renew the suggestions contained in my biennial message in relation to the necessities of making some provisions for disseminating reliable information among immigrants and others desiring to secure western homes.

I have already expended various sums from my own means in answering communications and furnishing information, but fear I shall not be able to continue to meet these requirements unless some provision is made for the payment of postage and the labor incident to this important work. N. G. ORDWAY,
Governor.

The communication from the Tyne publishing company is to the effect that it is about to publish a revised edition of "Major Jones' Emigrants' Guide," and that maps and information in regard to Dakota are desired for insertion in the Guide. The letter from Clarence Gordon asks for information in regard to the wheat, agricultural and stock raising interests of Dakota; what amount of, and where are the present agricultural regions; where, and to what extent are the desert lands (not susceptible or but partly so of cultivation or pasturages) situated; also the returns for assessment in 1880 of cattle, sheep and swine in the territory, and the estimated number each of cattle, sheep and swine in each Indian reservation belonging to the Indians.

That portion of the message and documents relating to agricultural and stock statistics were referred to the committee on agriculture.

EXECUTIVE SESSION.

The council then went into executive session, at the conclusion of which a recess was taken until 2 p. m.

House.

AFTERNOON SESSION.

Tuesday, March 1.—The house was called to order at two o'clock p. m., and roll call showed a bare quorum present at the opening.

EXCUSSED.

On motion of Mr. Wells, Mr. Dickey was excused for non-attendance to-day.

COMMITTEE OF THE WHOLE.

The house at 2:05 p. m., on motion of Mr. Wells, went into committee of the whole on council bill 127, Mr. Thielman in the chair.

THE COMMITTEE ROSE

at 3:15 p. m. and reported back council bill 127 without recommendation. The report was not adopted.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage by that body of house files 43 (amended), 128, 156, 150, 236, 235 (amended), 101, 173 (amended), 200, 204 and 234. Also that the council had failed to concur in house files 102 and 202. Also that the council had adopted the house joint resolution fixing Friday for the final adjournment of the legislature, with an amendment fixing the time for adjournment at 8:30 a. m. Friday the 4th inst.

The house concurred in council amendments to house files 235, 173, 204 and house joint resolution relating to final adjournment. The house refused to concur in the council amendments to house file thirty four, and a conference committee was appointed.

CONFERENCE REPORT.

Mr. Boyles, from the select committee of conference on house file 151, reported

that the committee had agreed that the council agree to the house amendments. The report was adopted.

RECESS.

The house, at 3:45 p. m., took a recess, subject to the call of the speaker, there being no business to transact.

House.

Wednesday, March 2.—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, excepting Messrs. Donaldson, LaMoure and Miller, excused.

The journal of the preceding session was read and approved.

REDUCING TELEGRAPH TAXES.

Mr. Wells, from the committee on railroads, reported back house file 109, to provide for the taxation of express and telegraph companies, by substitute, and recommended the passage of the substitute. It provides for a tax of thirty cents per mile on telegraph lines, in lieu of fifty cents now paid, and no tax on express companies.

Under a suspension of the rules the bill had its several readings and was passed, Messrs. Boyles, French and Van Osdel voting in the negative.

RECESS.

The house, at 10:45, took a recess subject to the call of the speaker, there being no business on the clerk's table.

ANOTHER VETOED BILL.

A message from the council brought the house into session. The message stated that the council had passed, over the governor's veto, council bill 114, giving outside corporations permission to transact business in Dakota without first filing in the secretary's office their articles of incorporations.

The vote being taken on the question, the veto was sustained by a vote of fourteen to six; Messrs. Boyles, Cross, Hale, Inman McBratney, and Nomland voted to pass the bill over the veto. Messrs. Donaldson, LaMoure, Miller and Wells were absent and did not vote, and all the rest voted to sustain the veto.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of house files 164 and 203 with amendments.

The house refused to concur in the council amendments to house file 203 and a committee of conference was appointed.

House file 164 was made the special order for three o'clock p. m.

RECESS.

The house, at 12:30 p. m. took a recess until 2 o'clock p. m.