

DAKOTA'S LEGISLATURE.

A Complete Report of the Proceedings of the Council and the House.

Fifteenth Session—Tenth Day.
Council.

THURSDAY, JAN. 18.

Called to order at ten a. m., by President Scooby.

Prayer by the chaplain.

Roll call. All present.

PETITIONS.

Mr. Nickens presented the petition of Elias McCauley, of Spink, claiming that he is entitled to the seat in the council now held by W. H. Donaldson. He claims his election by 148 majority. Mr. Nickens moved that petition, together with all testimony, be referred to the committee on elections, and that they be instructed to investigate the case. Mr. Donaldson seconded the motion. Carried.

REPORT OF COMMITTEES.

Mr. Washabaugh, of the committee on public printing, reported that the cost of printing the journal of both houses, daily, with an additional 500 copies at the end of the session, would cost about \$1,500, and that the printing of the daily calendar would be about \$900.

Mr. Nickens wished to know what were the recommendations of the committee.

Mr. Washabaugh thought that the resolution did not call for any recommendations.

Mr. Nickens thought that when any matter was referred to a committee it was their duty to make recommendations in the matter.

Mr. Washabaugh thought the committee had done all they were required to do.

Resolution re-read by request.

Mr. Ziebach thought the committee had done its duty.

Mr. Dewey asked for re-reading of report.

Mr. Dewey said that he understood that the secretary of the territory had sufficient United States funds on hand to pay for the printing of the journal at the end of the session and would have the work done at that time.

Mr. Ziebach said that if the secretary had such funds, the committee had been laboring under a misapprehension. He thought that if the government would pay for setting the type the cost for the slips, each day, would not be over \$2.50 per day.

Mr. Jackson moved that the matter be referred back to the committee for further investigation. Carried.

RESOLUTIONS.

Mr. Dewey moved the consideration of three joint resolutions. They were as follows:

SIoux FALLS.

Be it Resolved, by the council, the house of representatives and governor concurring, That the thanks and grateful acknowledgements of the governor and legislative assembly are hereby returned to the citizens of Sioux Falls for the cordial greeting, reception and hospitality extended to them on the occasion of the official visit of the governor and legislative assembly to the Queen City, which is justly their pride and the pride of all Dakota.

II—That the governor and legislative assembly extend to Councilman Jackson and other eminent citizens of Sioux Falls, their cordial thanks for the earnest and disinterested efforts to make the visit of the whole party one of especial interest and pleasure, and their kindness and attentiveness will ever be treasured.

III—That these joint resolutions be spread at length upon the journals of the two houses, and that the governor forward a copy thereof to the president and council of the city of Sioux Falls.

VERMILLION.

Be it Resolved, by the council, the house of representatives and governor concurring herein, That the cordial thanks of the governor and legislative assembly are hereby returned to the citizens of the city of Vermillion for their generous reception and hospitable entertainment on the occasion of their official visit to the Martyred City of Dakota. Risen anew from the disasters of the great flood of 1881, the people of all Dakota feel a just pride in the courage and eminent determination of the citizens of the noble city of Vermillion.

II—That to Councilman Burdick and Representative Inman and the Spartan band of ladies who so promptly and generously contributed to the entertainment of the legislative party, the thanks and earnest appreciation of all are hereby extended.

III—That these joint resolutions be spread at length upon the journals of the two houses, and that the governor cause a copy thereof to be forwarded to the mayor and council of the city of Vermillion.

THE MAILROAD.

Be it Resolved, By the council, the house of representatives and the governor concurring herein, That the thanks and grateful acknowledgements of the governor and legislative assembly are hereby returned cordially extended to General Manager Merrill, of the C. M. & St. P. R. Co., for his great kindness and compliment in placing at their disposal a special train for their exclusive use in making official inspection of the territorial penitentiary at Sioux Falls. In this connection the governor and legislative assembly assure General Manager Merrill of their highest regard and consideration for him personally as a gentleman and eminent railway manager.

II—That to Superintendent Jackson also the thanks and cordial acknowledgements of the governor and legislative assembly are hereby returned for perfect preparation and execution of all the details necessary to make the trip speedy, safe and one of much pleasure, and they will ever hold him in high esteem as a gentleman and skilled railway official—one who acts promptly and without ostentation and perfectly without delay or accident.

III—That these resolutions be spread at length upon the journals of the two houses and that the governor cause a copy thereof to be transmitted to each, General Manager Merrill and Superintendent Jackson.

NOTICES OF BILLS.

Mr. Jackson gave notice of two bills, one to amend section 103, chapter 9 of the civil code. The other to amend section 17, article 3 of the justice code.

Mr. Donaldson gave notice of a bill to amend section 45, chapter 24 of the political code.

INTRODUCTION OF BILLS.

Mr. Walsh introduced a bill to amend the city charter of Grand Forks.

READING OF BILLS.

Council bill No. 10 was read. It was introduced by Mr. Burdick and provides for fire escapes in hotels.

Council bill No. 11 was read. It was introduced by Mr. Walsh, and is to amend the charter of the town of Grand Forks.

Mr. Ziebach suggested that in compliance with rule 32 it would have been proper to call the ayes and nays on the joint resolutions. Ayes and nays called. All members voted aye.

Mr. Scooby introduced council bill No. 12, an act to prevent the spread of the glanders among horses.

Mr. Dewey introduced a resolution ordering the sergeant-at-arms of the two houses to confer and provide a standard of time and keep the clocks of both houses properly adjusted to it. Adopted.

RECESS.

At 11:15 Mr. Dewey moved a recess of 30 minutes. Carried.

Called to order at 12:30.

Mr. Donaldson gave notice that he had presented to the governor, council bills Nos. 1 and 2 and the joint resolution asking the re-appointment of Judge Moody.

A communication was read from Douglas Leffingwell asking permission to address both houses on the subject of education.

Mr. Washabaugh gave notice of three bills. One, to amend section 28, chapter 27, of the political code. One to amend section 46, chapter 21, of the same code. One to amend section 163, chapter 2, of the laws of criminal procedure.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, announcing that he had signed and delivered to the secretary of the territory council bills No. 1 and 2.

In accordance with the provisions of bill No. 2, which is now a law, the president of the council appointed C. D. Wrightson, of Hanson county, assistant sergeant-at-arms.

At 12:45, Mr. Roberts moved to adjourn to 10 o'clock, a. m., to-morrow. Carried.

HOUSE.

The house convened at 10 a. m., Mr. Speaker in the chair.

Prayer by the council chaplain, Rev Mr. Dolliver.

Roll call showed all the members in their seats, excepting Messrs. Ellis, McAllister, and Schafer.

The journal was read and approved.

NOTICES OF BILLS.

By Mr. Rice—To amend section one, chapter fourteen, of the political code, so as to provide for the election of clerks of district courts.

By Mr. Nelson—To create the county of Ordway and define its boundaries.

By Mr. Nowlin—To fix the compensation of assessors in the counties of Pennington and Custer and to provide for the payment thereof.

By Mr. Hauser—To incorporate the town of Grafton, Walsh county.

BILLS INTRODUCED.

By Mr. Thompson—House file No. 5—To amend section three of chapter twenty-six of the laws of 1879, relative to the sale of liquor.

By Mr. Rinehart—House file No. 6—For the relief of sufferers from hail storms in the counties of Lawrence and Mandan.

By Mr. Choteau—House file No. 7—To define the boundaries of Mandan county.

By Mr. Rice—House file No. 8—To punish rape on females under ten years of age.

By Mr. Rice—House file No. 9—To amend section six of the justice code by striking out the words "and on payment of costs" and adding the words "upon giving at least three days written notice to the adverse party or attorney."

By Mr. Inman—House file No. 10—To provide for the organization and government of the university of Dakota.

By Mr. Allred—House file No. 11—To create the county of Raymond and define its boundaries.

COUNCIL BILLS.

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

No. 3—To change the name of Peter Halverson to Peter H. Hall—committee on ways and means.

No. 5—Suspending until the fourth Monday in next May the time when taxes of 1882 become delinquent—committee on ways and means.

HOUSE BILLS.

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

No. 2—To legalize the incorporation of the town of Wahpeton—judiciary committee.

No. 3—To establish, public highways by consent—committee on highways, bridges and ferries.

No. 4—Authorizing school district No. 1, Beadle county, to issue bonds to fund its indebtedness—committee on counties, townships and cities.

COMMITTEE OF THE WHOLE.

On motion of Mr. Thompson, the house, at 10:35 a. m., went into committee of the whole on the reference of the governor's message, Mr. Nowlin in the chair.

THE COMMITTEE ROSE

at eleven a. m. and reported that the various topics in the message had been referred to their appropriate committees. The report was adopted, on motion of Mr. Inman.

COUNCIL MESSAGE.

A message was received from the council announcing that that body had passed a series of joint resolutions relative to the legislative trip to Sioux Falls and Vermillion. The concurrence of the house was asked.

The joint resolutions, relative to the trip to Sioux Falls and Vermillion, adopted by the council, were taken up, read at length and adopted by unanimous vote.

A resolution was adopted admitting J. W. Shannon, of Huron, to the floor of the house.

RECESS.

On motion of Mr. Inman, the house,

at 11:45 a. m., took a recess until two p. m.

AFTERNOON SESSION.

House reconvened at two p. m. Mr. Speaker in the chair and a quorum present.

COMMUNICATIONS.

The speaker presented a communication from F. J. Dewitt, chairman of the board of trustees of the insane asylum, inviting the members of the house to visit the insane asylum Friday, the 19th inst., and stating that carriages would be in readiness at the Jencks hotel at ten o'clock in the forenoon.

On motion of Mr. Winn, the invitation was accepted, provided the council concurred.

The speaker presented a communication from Douglas Leffingwell asking permission to address both houses of the legislature upon the subject of education. Referred to the committee on education with instructions to confer with like committee of the council.

A BILL.

By unanimous consent Mr. Benson introduced house file No. 12—a bill to create the county of Becker from portions of Brown, Ransom and Dickey counties.

ADJOURNMENT.

The house, at three o'clock p. m. adjourned to ten o'clock Friday morning.

Session Notes.

A petition from Brookings county asks for legislation to secure the prompt destruction of glandered horses. A bill has been prepared and will undoubtedly pass to reach the end desired.

Councilman Jerauld is asked to present a bill to prohibit the importation of Texas and Cherokee cattle into Dakota. It is claimed that in Lincoln county their introduction has resulted in the death of a great many native cattle. It is claimed that, while disease is not communicated by occasional mixing of the herds in yards, that the native cattle are sure to suffer by grazing on the same grounds. Mr. Jerauld, in conversation, gave an instance as coming under his own observation where a valuable herd had been severely attacked and decimated through feeding on a tract from which the Texans and Cherokees had been lately removed. It is thought that large districts in the territory may be opposed to the legislation asked and it is not the purpose to push the matter without due consideration of all interests. One of the crowning glories of Dakota is her healthfulness for man and beast. It would seem true statesmanship to take time by the forelock a little in guarding against imported diseases.

Mr. Binehart's house bill for the relief of sufferers from hail storms in the Black Hills counties, provides that the taxes of such sufferers for 1892 be remitted, upon the presentation of the proper affidavits. There are probably about fifty persons who will take advantage of the act if it becomes a law and they are needy and deserving. During July and August of last year portions of the hills were visited by destructive storms, which completely wiped out the growing crops. This deprived many persons of the results of the year's labor and left them in close circumstances.

Mr. Inman's house bill for the organization and government of the university of Dakota provides for the creation of a board of university regents, consisting of seven persons, the governor of the territory to be president and the president of university to be a member. The other five members to be appointed by the governor and confirmed by the council. These regents are to control the affairs of the university.

Two bills were introduced in the house to-day for the creation of new counties. One was presented by Mr. Benson, by request, to create Becker county from portions of Dickey, Brown and Ransom and another by Mr. Alfred to create the county of Raymond from the western tier of towns in Cass county and the two eastern tiers of towns in Barnes county. Mr. Nelson also gave notice of a bill to create the county of Ordway from portions of Grand Forks, Walsh and Ramsey counties.