

## DAKOTA'S LEGISLATURE.

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

Sixteenth Session—Fifteenth Day.

#### Council.

Council convened at 10 a. m., Mr. President in the chair.

Prayer by the chaplain.

Roll call showed all members in their seats.

Journal read and approved.

#### COMMITTEE REPORTS.

Mr. Jackson, from committee on territorial affairs, reported back house file three, recommending its passage.

Mr. McIntosh, of committee on incorporations, reported back house file two, recommending its passage.

Mr. Burdick reported back the communication of Douglas Leffingwell, asking to address the legislature on the subject of education, with the recommendation that it be accepted, and next Thursday evening be fixed as the date for such address.

Mr. Walsh, from the committee on counties, reported back council bill eleven recommending a substitute for the original bill. Report accepted.

Mr. Roberts, of the judiciary committee, reported back council bill thirteen, recommending its passage.

#### NOTICES OF BILLS.

By Mr. Dewey—of a bill to amend the law in regard to the manner of incorporating religious societies.

By Mr. Walsh—to amend sections one and two, chapter twenty of the political code.

By Mr. Walsh—to regulate the grading of wheat and to management of wheat elevators.

By Mr. Walsh—to remove the capitol of the territory.

By Mr. Burdick—to amend charter of the city of Vermillion.

#### FIRST READING.

The following bills were then introduced and given their first reading:

By Mr. Jernald—to prohibit the importation of Texas and Cherokee cattle.

By Mr. Donaldson—to amend section 46, chapter 21, of the political code.

#### SECOND READING.

The following bills were then given their second reading and referred to committees as indicated:

Council bill twenty—To amend chapter 46 of the laws of 1879 by inserting the words "any railroad corporation authorized to construct, operate and maintain a rail road in this territory," in sections nine and twenty-three, of the act—committee on railroads.

Council bill twenty-one—To amend section 104, chapter 9, of the code of civil procedure. Whenever personal service of a summons is made outside of the territory, no order of a court or judge shall be necessary to give jurisdiction, no default to be taken until forty days after such service—committee on judiciary.

Council bill twenty-two—An act allowing county commissioners to grant license for sale of liquors in unorganized counties—committee on judiciary.

Council bill twenty-three—to amend section 45, chapter 24 of the political code. Making it the duty of the council of an incorporated town to assess taxes for street improvement when two-thirds of the property owners on a street shall petition for such improvements. Taxes to be levied on property adjoining the street—committee on public buildings.

Council bill twenty-four—to repeal from section 597 to 615 of the civil code, in relation to the foreclosure of mortgages by advertisement—committee on judiciary.

#### THIRD READING.

The following bills were given their third reading and put upon their final passage.

Council bill twelve—a substitute for the original bill number twelve reported by the select committee. An act to prevent the spread of the glanders among horses. The substitute provides for a trial by jury. On the question of its passage there were ten ayes and one nay, Mr. Nickens voting nay and Mr. Donaldson not voting.

Mr. Dewey moved that the title be amended to agree with the substitute. Carried.

A memorial to congress, asking increased representation. This was so amended as to state that the people of the territory are willing and able to pay for the increased representation themselves. It was passed by a unanimous vote.

Council bill sixteen—to amend section 163, chapter 2 of criminal procedure. Makes the grand jury consist of not less than sixteen nor more than twenty-three members. Passed unanimously.

Council bill sixteen—to amend section 366, chapter 33, of the penal code. Making obscene language a misdemeanor.

Ayes—Jackson, Jernald, McIntosh, Roberts, Washabough, Ziebach, Scooby. Total 7.

Nays—Burdick, Dewey, Donaldson, Nickens, Walsh. Total 5.

Mr. Ziebach gave notice of a motion to reconsider the vote on to-morrow.

Council bill eleven—An act to amend the charter of Grand Forks.

Mr. Ziebach moved to refer the substitute to the committee on charitable and penal institutions.

Mr. Dewey moved to amend by referring to the committee on printing. Amendment lost.

Motion carried.

#### HOUSE BILLS.

The following house bills were then given their several readings and referred as indicated.

House file one—committee on incorporations.

House file four—committee on education.

House file six—committee on mines and mining.

House file nine—committee on judiciary.

House file ten—committee on education.

House file thirteen—committee on judiciary.

#### THIRD READING.

House files No. 2 and 3 were given their third reading and each passed by a unanimous vote.

#### HOUSE MESSAGE.

A message from the house announced the passage by that body of council bill six.

Mr. Jackson introduced a resolution that twenty-four extra copies of each bill should be printed for the use of the members of the council. Adopted.

#### HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of house file seven.

Mr. Dewey moved that rules 23 and 25 be amended so as to have bills read only by their titles on their second reading and read at length on the third reading. Referred to committee on rules.

Mr. Donaldson, from the committee on engrossed and enrolled bills, reported bill number three properly enrolled.

Mr. Nickens introduced a bill to define the boundaries of Foster county.

#### ADJOURNMENT.

At 12 o'clock the council adjourned to 10 o'clock Wednesday morning.

#### HOUSE.

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

Prayer by the chaplain.

Roll call showed all members in their seats.

The journal was read and approved.

#### COMMITTEE REPORTS.

Mr. Towner, from the committee on Indian affairs, presented a report upon the communication from the grand army post inviting the house to listen to the lecture of Judge Edgerton. It was as follows:

Your committee on Indian affairs, to whom was referred the communication of Commander Munroe, beg leave to make the following report: That his invitation to hear pow-wows, to be delivered by Chief Edgerton, be accepted; and that the republicans of this house act as an escort to the democratic members to and from the wigwam.

Mr. Thompson, from the same committee, made the following minority report:

As a member of the committee on Indian affairs to whom was referred the invitation to attend a lecture, next Wednesday night, by Chief Justice Edgerton, at the grand army hall, would respectfully recommend that this house respectfully accept the invitation.

The minority report was adopted.

Mr. McAllister, from the committee to whom was referred the request of Douglas Leffingwell to deliver a lecture before the legislature, reported that the request be granted; and that Mr. Leffingwell be given Thursday evening for the address within the house chamber.

The report was adopted.

Mr. Nelson, from the committee on counties and townships, reported house file seven—to define the boundaries of Mandan county—with a recommendation that it pass.

Mr. Sterling, from the judiciary committee, reported council bill six—for the protection of fish in Spiritwood Lake—with a recommendation that it pass.

#### NOTICES OF BILLS.

By Mr. Rice—to amend chapter 46 of the laws of the thirteenth session, to provide for the taxation of railroad property.

By Mr. Turner—to amend sections one and two of chapter twenty-one of the judicial code.

By Mr. Robinson—to amend the incorporation act of the village of Scotland.

#### BILLS INTRODUCED.

By Mr. Nowlin—house file 24—to amend the act prescribing rules and regulations for the execution of trust arising under an act of congress for the relief of people upon the public lands.

By Mr. Bowman—house file 25—prescribing that it shall be unlawful to kill quail during the next five years.

By Mr. Benson—house file 26—to amend the act providing for funding the indebtedness of Moody, Brookings, Burleigh and Grand Forks counties.

By Mr. Benson—House file 27—Providing that persons who have resided ninety days in Dakota may become notaries public.

By Mr. Van Woort—House file 28—exempting from taxation for ten years forty acres which contain five acres of growing timber.

By Mr. Wynn—House file 29—to legalize the acts of E. T. White as notary public.

By Mr. Sterling—House file 30—enlarging the county of Hyde.

#### COUNCIL BILLS.

Council bill nineteen had its first reading.

The council memorial opposing the repeal of the pre-emption law and changing the homestead law, was referred to the committee on public lands.

Council bill six, favorable reported from committee, went to its third reading and was passed by unanimous vote. It provides for the protection of fish in Spiritwood lake.

#### HOUSE BILLS.

The following house bills had their second reading and were referred to the committees indicated:

No. 17—Exempting from taxation for 1882 the sufferers from hail and rain storms in Grant and Deuel counties—judiciary.

No. 18—To employ clerks for the two judiciary committees and fixing their compensation at four dollars each per day—judiciary.

No. 19—to fix the pay of assessors and their deputies in Pennington and Custer counties at five dollars per day—judiciary.

No. 20—to incorporate the village of Ellendale, Dickey county—judiciary.

No. 21—Authorizing school district one, Dickey county, to issue bonds—counties and townships.

No. 33—Providing for the payment of attorneys' fees by the prevailing party in

cases of forcible entry and detainer—judiciary.

Mr. Rinehart presented an amendment to the bill defining the boundaries of Mandan county, which was on its third reading. The amendment provided that the people residing in that portion of Lawrence county to be placed in Mandan county should not be released by the act from paying their share of the bonded indebtedness of Lawrence county as existing up to January 1st, 1883.

Mr. Rice opposed the amendment.

Mr. Rinehart and Mr. Choteau both spoke at length in favor of the amendment.

The amendment was lost by *viva voce* vote.

The bill, which is known as house file seven, then went to its third reading and was passed, Messrs. Rinehart, Thompson and Tychsen, voting in the negative, Messrs. Inman and Pyatt not voting and all the rest voting in the affirmative.

#### COUNCIL MESSAGE.

A message was received from the council that the council had passed a memorial to congress asking for increased legislative representation, also that council bill four had been passed the council.

#### TWO MEMORIALS.

On motion of Mr. Inman, the council memorial asking for increased representation, under a suspension of rules, had its several readings and was passed by a unanimous vote of the house.

Under further suspension of rules, on motion of Mr. Thompson, the council memorial to congress asking that no change be made in land laws, was reported back from the committee on public lands favorably, given its several readings and passed. Mr. Rice, chairman of the committee, explained that he made a favorable report of the measure at the request of the other four members of the committee. On the passage of the memorial Messrs. McAllister, Rice, Rinehart, Shafer and Sterling voted in the negative and all the rest in the affirmative.

#### ADJOURNMENT.

The house, at 10:50 a. m., adjourned to ten o'clock Wednesday morning.

#### Session Notes.

The latent force which is known to exist within the house was slightly stirred this morning, for the first time during the session, when Mr. Rice, of Moody county, rose to oppose the amendment to the Mandan county bill presented by Mr. Rinehart, of Lawrence county. Mr. Rinehart wanted the property owners in that portion of Lawrence county which it is proposed to legislate out of the county to be held for their portion of the bonded indebtedness of Lawrence county incurred while they resided in that county. Mr. Rice took a decided stand against the proposition and a spirited and refreshing debate ensued. Mr. Rinehart replied vigorously to Mr. Rice's argument, and Mr. Choteau, also of Lawrence county, was drawn into the war of words. Mr. Rice won his point, but the episode showed that his opponents are ready and convincing floor orators.

Mr. Towner gave notice to-day in the house of the introduction of a bill which will cause some stir, as it is in effect a sort of a declaration of war against the governor on the part of certain northern members. The title of the proposed bill, announced, is "an act to amend section one and two of chapter twenty-one of the political code." Section one and two of this chapter of the code provide that whenever fifty or more voters of an unorganized county petition the governor of the territory for organization, and he shall become satisfied that the county has the requisite number of legal voters to entitle it to organization, he shall appoint three residents of such county as county commissioners, and they shall proceed to organize the county. The intent of the proposed bill of Mr. Towner's is to take from the governor authority to organize counties and place it in the hands of some other party or parties. Mr. Towner is not certain about the course to be pursued, but favors giving to district judges in the districts where the unorganized counties lie the authority to act in such cases by calling a special election in the county which applies for organization.

Another firebrand was thrown into the camp this morning in the shape of a notice of a bill, by Mr. Walsh, to move the capital of Dakota from Yankton. He does not say where he proposes to locate it in the bill which he is to introduce, but admits that he is personally in favor of Grand Forks first. In fact he is somewhat reticent on the subject and intimates that his plans may be divulged farther on.

An exceedingly important prospective measure is indicated by a notice given in the house this morning by Mr. Rice, which recited that he intended to introduce a bill to amend chapter forty-six of the laws of the session of 1876. This is the chapter upon railroads and any approach towards that subject always arouses interest. Mr. Rice was interviewed regarding his intentions and he said his bill when introduced, would provide for local taxation of railroad property in place of the present system of taxation upon the gross receipts of railroad companies. His measure will be similar to those so hotly contested and defeated at the last session of the Dakota legislature. The various railroad corporations which have done so much to develop Dakota are opposed to the change in the system of taxation proposed.

Mr. Sterling introduced in the house to-day a bill to enlarge Hyde county by adding to it twelve townships lying north of Hyde county and between Sully and Hand counties. These twelve townships do not now belong to any county. Their addition to Hyde county will create a county forty-eight miles long north and south by eighteen miles wide east and west. The Northwestern railroad now runs through the center of the proposed Hyde county and it is expected another railroad will cross its northern border ere long.

Mr. Jersauld introduced a bill to pre-

vent the importation of Texas and Cherokee cattle. It is claimed that these cattle bring disease with them and that native stock passing over the ground on which they have been herded will become infected. The health of her native stock is a source of pride to Dakota, and it would seem proper that due care be taken to preserve it from the inroads of diseases entirely foreign to it.

Mr. Walsh's memorial to congress, asking an increase of representation in the territorial legislature, to twenty-five members of the council and seventy-five members of the house, was amended by the committee to make the expense payable out of the territorial treasury. It passed by a unanimous vote.