

## DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Thirtieth Day.

#### Council.

##### THURSDAY AFTERNOON'S SESSION.

At 2 p. m. the council again went into committee of the whole, Mr. Jackson in the chair.

When the committee arose it reported through its chairman as follows:

That council bill 64—authorizing the issue of \$77,500 bonds to construct a west wing to the hospital for the insane and for other improvements, be amended and pass as amended.

That council bill number 67—appropriating \$30,000 for an agricultural college at Brookings be amended and that the bill pass as amended.

That council bill 68—to adjust the indebtedness of newly organized counties do not pass.

That council bill 68—appropriating \$15,000 for a normal school at Springfield, be amended and that it pass as amended.

That council bill 76—appropriating \$0,000 for permanent improvements at the territorial penitentiary do pass.

That council bill 83—appropriating \$5,000 for a normal school at Spearfish do pass.

That council bill 40—to provide for the collection of debts by garnishment do not pass.

That council bill 78—to incorporate the city of Redfield do pass.

That council bill 71, appropriating \$30,000 for completing the present university of Dakota, at Vermillion, do pass.

That council bill 19, authorizing the purchase of laws, be returned to the governor.

That council bill 83, to amend section 718 of the criminal code, do pass.

That council bill 61, amending section 1, chapter 86, of the laws of 1881, do pass.

That council bill 47, to amend section 377 and 381 of the code of civil procedure, do pass.

That council bill 15, to amend section 1735 of the civil code, relative to the discharge of mortgages, do not pass.

That house file 47, requiring railroad companies in certain cases, to construct fences, pass as amended.

The report of the committee was adopted by the council.

Exciting discussions occurred over the provisions of the appropriation bills, some of which were acted on section by section. Although a few amendments were made the appropriations were not reduced in any instance.

Mr. Roberts introduced a resolution, which was adopted, asking the governor to present to the council certain correspondence between himself and the officers of the penitentiary at Detroit, Michigan.

The council then adjourned.

#### Thirty-first Day.

##### Council.

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

Prayer by the chaplain.

Roll call showed that all the members were in their seats.

##### MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of house files No. 65—establishing a fence law in Pennington, Lawrence, Custer, Mandan and Forsyth counties.

House file 66—to repeal part of the funding act of Pennington and Custer counties.

House file 72—to vacate the town plat of Roscoe, Moody county.

##### NOTICES OF BILLS.

By Mr. Nickens—to provide for the issue of \$50,000 in bonds for the construction of an insane asylum at Jamestown.

By Mr. Burdick—authorizing boards of education to levy a tax not exceeding one mill on assessed property of the district for certain purposes.

By Mr. Jackson—to incorporate the village of Valley Springs.

##### BILLS INTRODUCED.

By Mr. Walsh—council bill No. 94 to legalize the acts of the city of Grand Forks in contracting for water works.

By Mr. Walsh—council bill No. 95 authorizing John Shelly to operate for fifteen years a ferry across the Red river of the north near Caledonia.

By Mr. McAuley—council bill No. 96—to fund the indebtedness of Spink county.

##### SECOND READING.

The following council bills were given their second readings and referred to the committees indicated.

Council bill No. 89 authorizing school district No. of Cass county to issue bonds—committee on appropriations.

Council bill No. 90—relative to the sale of adulterated liquors and poisons—committee on territorial affairs.

Council bill No. 91, providing bounties for the destruction of wolves, foxes, gophers and squirrels—committee on judiciary.

##### PASSAGE OF BILLS.

The following bills were given a third reading, and being put upon their final passage were disposed of as follows:

Council bill No. 15—to amend section 1735 of the civil code, relative to the discharge of mortgages on the records by the presentation of a certificate from the mortgagee, stating that the mortgage was satisfied, a vote being taken the bill was lost, all voting in the negative, except Mr. President, who voted in the affirmative.

Council bill No. 40, relative to collection of debts by garnishment, was lost by the following vote:

Voting aye—Messrs. Burdick, Dewey, Nickens, Walsh and Ziebach.

Voting nay—Jackson, Jerauld, McAuley, McIntosh, Washabaugh, Roberts and Mr. President.

On the consideration of council bill

No. 41, Mr. Jerauld moved it be recommended to the committee on judiciary.

Mr. Nickens moved the motion lie on the table. Lost.

Mr. Nickens moved to amend by recommitting the bill to the committee of the whole. Carried.

Council bill No. 47—to amend sections 377 and 381 of the civil code, regulating the fees of officers and attorneys in civil and criminal actions and fixing amounts in civil and criminal actions and fixing amounts in certain cases. Passed by a unanimous vote.

Council bill, No. 48—to regulate costs in civil actions. Passed by a unanimous vote.

Council bill No. 57—to authorize the county commissioners of Davison county to issue bonds to fund the indebtedness of that county—passed by a unanimous vote.

Council bill No. 58—to adjust the indebtedness of newly organized counties—was lost by the following vote:

Voting aye, Mr. Walsh.

Voting nay, Messrs. Burdick, Dewey, Jackson, Jerauld, McAuley, McIntosh, Nickens, Washabaugh, Roberts, Ziebach and Mr. President.

Council bill 61—to amend sec. 1, chapter 86, of the laws of 1881—relative to the exemption of members of fire companies from service on juries, was passed, all voting in the affirmative excepting Mr. President, who voted in the negative.

Upon the consideration of council bill No. 67 Mr. Walsh moved that it and all others appropriating funds be recommended to the committee on appropriations. Carried.

Council bill No. 82—to amend section 718 of the criminal code—relative to providing a penalty for the unauthorized disclosure of the contents of a telegram, was passed, all voting in the affirmative except Mr. Ziebach, who did not vote.

Council bill No. 78—to incorporate the city of Redfield, was passed by unanimous vote.

##### HOUSE FILES.

House files Nos. 65, 66 and 72, referred to in house message, were given their first reading.

House file No. 82—legalizing the acts of the city of Flandrau in issuing bonds, was read the second time and referred to the committee on appropriations.

House file No. 83—to amend the incorporation act of the village of Flandrau was read a second time and referred to the committee on incorporations.

##### PASSAGE OF HOUSE FILES.

House file 47—to compel railroads to erect fences along the right of way in certain cases—was passed by a unanimous vote.

##### COMMITTEE REPORTS.

The committee on engrossed and enrolled bills reported council bills No. 16—to amend section 336 chapter 33 of the penal code, No. 27—defining the boundaries of Foster county, No. 48—relating to costs in civil actions, No. 32—to amend section 615 of the civil code, No. 42—to amend section 300 of the civil code, as correctly enrolled, and that council bill No. 38 had been delivered to the governor.

#### COMMITTEE OF THE WHOLE.

The council then went into committee of the whole, with Mr. Jerauld in the chair. When it arose it reported with the following recommendations:

That the reports of committees on council bill No. 84 and No. 41, and house files No. 69 and 66 be adopted. That house file No. 14 do not pass.

The report was adopted. On motion the council took a recess until 2 p. m.

#### House.

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

Prayer by the chaplain.

Roll call showed all the members in their seats excepting Messrs. Rice, Lamb, Ellis, Thompson and Van Woert, who were excused.

Journal read and approved.

#### COMMITTEE REPORTS.

Mr. Pyatt, from the committee on rules, reported a recommendation that a standing committee on appropriations, consisting of five members be appointed. Report adopted.

Mr. Sterling, from the judiciary committee, reported house file 73—to amend section 400 of the code of civil procedure, with a recommendation that it pass; also house file 75—to authorize arrest in bail—with a recommendation that it pass; also council bill 56—providing for the amendment of section 471, of the code of civil procedure—with a recommendation that it pass.

Mr. Towner, from the committee on Indian affairs, reported house file 79—to repeal chapter 48, of the laws of 1881—to protect the passage of fish in Goose river—with a recommendation that it pass.

Mr. McCallister, from the committee on education, reported the communication of the superintendent of instruction and accompanying bill, with a recommendation that the bill be printed. Report adopted.

Mr. Benson, from the special committee appointed to consider house file 54—to regulate the revenue and collection thereof to be derived from mining—with a recommendation that it be referred to the committee on mines and mining. It was so referred.

#### BILLS INTRODUCED.

By Mr. Nelson—House file 93—authorizing the town of Wallahala to construct a bridge.

By Mr. Inman—House file 94—to repeal the act to amend section two, chapter twenty one of the political code.

By Mr. Bowman—House file 95—to amend section 531 of the code of criminal procedure.

By Mr. Tybosen—House file 96—to establish school district 39, Turner county, as independent school district number one.

By Mr. Towner—House file 97—to authorize Pennington and Custer counties to issue bonds to fund outstanding indebtedness.

By Mr. Speaker—House file 96—to amend section one of the act to define the boundaries of judicial district and to fix the terms of courts therein.

#### COUNCIL BILLS.

Council bill 66—providing for an appropriation for the maintenance and furnishing of the insane asylum, had its second reading.

Mr. Nelson moved that the bill be held until the appointment of the committee on appropriations and then referred to that committee. Adopted.

Council bill 72—to amend section 321 of the civil code—had its second reading and was referred to the committee on judiciary.

Council bill 56, (see committee reports) had its third reading and was passed by unanimous vote, Mr. Wagner not voting.

#### HOUSE BILLS.

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

No. 71—to incorporate the city of Lisbon—counties, towns and cities.

No. 73—to legalize the reorganization of Douglas county—judiciary.

No. 80—to amend sections 326 and 327, title 8, chapter 1, of the code of criminal procedure—judiciary.

No. 86—to authorize the county of Morton to issue bonds to build a bridge across Heart river—counties, towns and cities.

No. 87—to amend section 1747 of the civil code—judiciary.

No. 89—to amend the act authorizing the appointment of short-hand reporters in district courts—judiciary.

No. 90—to amend sections 8, 31 and 63, chapter 59 of the laws of 1879, entitled townships—counties, towns and cities.

No. 91—to provide for an increase to five members of boards of county commissioners—counties, towns and cities.

No. 92—to create the county of Nelson—counties, towns and cities.

#### A VETO.

A message was received from the governor vetoing house file 15—a bill to amend the incorporation act of the village of Mandan—with the objections of the governor set forth at length.

On motion of Mr. Benson the message was referred to the committee on counties, towns and cities, and the bill was laid on the table.

#### HOUSE BILLS.

House file 62—to amend chapter 59, laws of 1879, entitled townships, had its third reading and was passed by unanimous vote; also house file 79 (see committee report) Mr. Bowman alone voting in the negative; also, house file 73, (see committee report) Mr. McCallister being excused from voting; also house file 75 (see committee report); also house file 55—authorizing Barnes county to issue bonds to fund its outstanding indebtedness.

On motion of Mr. Nelson, the vote by which house file 79 was passed was reconsidered.

Mr. McCallister moved to reconsider the vote by which the proposed school bill was ordered printed. Adopted.

#### APPROPRIATIONS COMMITTEE.

The speaker announced Messrs. Wynn, Nelson and Bowman as the standing committee on appropriations.

#### AN AMENDED BILL.

Mr. Inman moved that house file 79—to repeal the act protecting the passage of fish in Goose river be so amended as to make it repeal chapter 48 of the special laws of 1881, instead of chapter 48 of the general laws. The motion was adopted. The bill as amended was then put upon its passage and passed by unanimous vote.

#### ADJOURNMENT.

At 12:15 p. m. the house adjourned to ten o'clock Saturday morning.

#### Session Notes.

Representative Ellis went home this morning on account of hearing of the illness of his wife.

There were more vacant seats in the house to-day than any during the session. Mr. Lamb was kept away by sickness and Messrs. Rice, Ellis, Thompson and Van Woert are absent from the city, having been excused for a few days.

A blunder which might have proved disastrous to the fame of the speaker of the last house, Dr. Martin, of Deadwood, was perpetrated in the house this morning. Mr. Towner put in a bill to repeal the act for the protection of the passage of fish in the Goose river, the particular enactment to be repealed being entitled chapter forty-eight of the special laws of 1881. By an oversight the bill actually repealed chapter forty-eight of the general laws of 1881—an act creating the county of Martin. After its passage the error was discovered by Mr. Sterling and such action taken as prevented the abolishment of Martin county and permitting the fish of Goose river to roam at large without any protection.

Assistant Clerk Cressey, of the house has been excused for two or three days and he will go to Vermillion on a visit.

The Yankton county funding bill was considered by the council in the committee of the whole this afternoon, and all the amendments suggested by the special committee were rejected and the bill as originally introduced was recommended by the committee of the whole for passage. It will probably go to its third reading and passage in the council to-morrow. The worst feature of the bill is the clause requiring Yankton county to go to the expense of an election upon a proposition to pay a debt created years ago by the vote of the people.