

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Thirty-Second Day.

Council convened at ten a. m., with Mr. President in the chair. Prayer by the chaplain.

Roll call showed all members in their seats.

Journal read and approved.

By Mr. Walsh—to establish a territorial university at Grand Forks.

INTRODUCTION OF BILLS.

By Mr. McIntosh—council bill No. 97—to authorize the construction of a court house and jail in Hughes county.

By Mr. McIntosh—council bill No. 98—to incorporate the city of Mitchell.

By Mr. Roberts—council bill No. 99—to amend section 667 of the civil code.

By Mr. Nickens—council bill No. 100—granting the right to establish and maintain a ferry across the Missouri river in township number 121, north of range 78, west.

SECOND READING OF COUNCIL BILLS.

The following bills were given their second reading and referred to the committees indicated: Council bill No. 98—to authorize the creation of a board of education for the city of Jamestown—committee on education.

Council bill No. 94—legalizing the acts of the city of Grand Forks in contracting for water works—committee on judiciary.

Council bill No. 95—Granting the right to maintain a ferry across the Red river to John Shelly—committee on judiciary.

Council bill No. 96—to fund the indebtedness of Spink county—committee on counties.

PASSAGE OF BILLS.

The following bills were given their third reading and on being put to a final passage were disposed of as indicated:

Council bill No. 41—to amend section 333 of civil code, to regulate exemptions for purchase money, was passed by the following vote:

Voting aye—Messrs. Burdick, Jerauld, McAuley, McIntosh, Nickens, Roberts, Ziebach and Mr. President.

Voting nay—Jackson, Dewey, Washabaugh and Walsh.

Council bill No. 81—to authorize the county of Yankton to issue bonds to refund its outstanding indebtedness, passed by unanimous vote.

Council bill No. 84—to authorize the city of Deadwood to issue \$100,000 of bonds in aid of a standard gauge railroad, passed by the following vote:

Voting aye, Messrs. Dewey, Jackson, McAuley, McIntosh, Roberts, Washabaugh, Walsh, Ziebach and Mr. President.

Voting nay, Messrs. Burdick, Jerauld, and Nickens.

HOUSE FILES.

The following house files were given their first reading:

No. 65—to authorize the county of Barnes to fund its indebtedness; No. 75—to authorize arrest and bail; No. 62—to amend chapter 59, of the session laws, entitled townships; No. 73—to amend section 403 of the civil code, entitled corporations; No. 79, to protect the passage of fish in Goose river.

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

House file No. 65—to establish a fence law in the counties of Custer, Pennington, Lawrence and Madan—committee on mines and mining.

House file No. 66—to repeal a part of the funding act of the counties of Custer and Pennington—committee on counties.

House file No. 72—to vacate the town plat of Rosco, Moody county—committee on incorporations.

PASSAGE OF HOUSE FILES.

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

House file No. 14—to amend section one, of chapter 14, of the political code, relative to making the office of county clerk elective, came up for passage.

Mr. Jerauld moved that the bill be laid on the table. Carried.

House file No. 56—to amend section 249, chapter 17 of the penal code—providing that the penalty for murder shall be death or life imprisonment, at the discretion of the jury. Passed by the following vote:

Voting aye—Messrs. Burdick, Dewey, Jackson, Jerauld, McAuley, McIntosh, Walsh and Mr. President.

Voting nay—Messrs. Nickens, Roberts, Washabaugh and Ziebach.

Mr. Walsh gave notice that he would move a reconsideration of the vote Monday next.

House file No. 60—to amend section 11, chapter 84 of the fourteenth session laws, relative to designating the place to hold district court by the judge thereof in certain cases, was lost by the following vote:

Voting aye—Messrs. Burdick, Jackson, McAuley and McIntosh.

Voting nay—Messrs. Dewey, Nickens, Jerauld, Roberts, Walsh, Washabaugh, Ziebach and Mr. President.

COMMITTEE OF THE WHOLE.

The council then went into committee of the whole for the consideration of committee reports, Mr. McCauley in the chair.

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

That the report of the committee on council bill No. 87, to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales, be adopted and that the bill do pass.

That council bill No. 29, to regulate the election of township officers, be recom-

mitted to the committee on judiciary.

That house file No. 32, to amend the incorporation act of the village of Scotland, do pass.

That council bill 79, for the erection of a \$20,000 court house and jail in Kidder county, do pass.

And that council bill 80, for the erection of a \$5,000 school house, in school district number 1, Kidder county, do pass.

On motion the report of the committee was adopted.

Mr. Burdick moved a suspension of the rules and that the bills relating to Kidder county be given their third readings and put upon their final passage. Carried.

Council bill No. 79—to authorize the erection of a court house and jail for Kidder county passed, all voting in the affirmative.

Council bill No. 80—to authorize school No. 1 of Kidder county to issue bonds for the construction of a school building, passed, all voting in the affirmative.

MESSAGE FROM THE GOVERNOR. A message was received from the governor stating that he had signed council bill No. 34 relative to the administration of the estate of Anna Branch by Jacob Brauch; also presenting by request of the council two communications from the Detroit House of correction.

On motion the communications mentioned were referred to the committee on appropriations.

On motion the council adjourned.

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 excepting Messrs. Rice, Ellis, Thompson and Van Woert, who were excused.

Journal read and approved.

COMMITTEE REPORTS. Mr. Sterling, from the judiciary committee reported house file 57—to amend the exemption law of Dakota—with amendments, and a recommendation that it pass as amended. Referred to the committee of the whole; also that a majority of the judiciary committee reported a recommendation against the passage of house file 80—to amend sections 327 and 327 of title eight, chapter one, code of criminal procedure—and that Mr. Bowman made a minority report in favor of its passage.

Mr. Nelson, from the committee on counties, towns and cities, reported house file 50—to amend section three, chapter 21 of the political code—with a recommendation that it pass; also house file 88—to amend chapter 18 of the political code—with amendments and a recommendation that it pass as amended; also house file 90—to amend sections 8, 31 and 63, chapter 59 of the laws of 1879, relating to townships—with amendments and a recommendation that it pass as amended. All these bills were referred to the committee of the whole.

NOTICES OF BILLS. By Mr. Lamb—for the establishment of a ferry across the Missouri river.

BILLS INTRODUCED.

By Mr. Choteau—House file 99—to regulate the cross examination of defendants in criminal cause.

By Mr. Choteau—House file 100—to create the office of district attorney for counties.

By Mr. Choteau—House file 101—to provide for the registration of births and deaths.

By Mr. Bowman—House file 102—to regulate challenges of jurors in criminal cases.

By Mr. Pyatt—House file 103—to regulate the practice in criminal cases in which the United States is a party.

By Mr. Loman—House file 104—to amend paragraph 446, code of civil procedure.

By Mr. Harvey—House file 105—to incorporate the village of Minto, Walsh county.

By Mr. Towner—House file 106—to incorporate the city of Hillsboro.

By Mr. Nowlin—House file 107—to amend chapter 19 of the political code and for other purposes.

By Mr. Lamb—House file 108—to grant the right to establish and maintain a ferry across the Missouri river in township 121, range 98, Walworth county.

By Mr. Rinehart—House file 109—to provide for the drainage of mines, and to regulate the liability of miners, mine owners and mill men.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 47—to amend sections 377 and 381 of the code of civil procedure; council bill 61—to amend section one, chapter 86, laws of 1881; council bill 82—to amend section 718, criminal code; council bill 57—authorizing the commissioners of Davison county to fund indebtedness; council bill 48—relating to costs in civil actions; council bill 78—to incorporate the city of Redfield; also that the council had passed with amendments house file 47—to require railroad companies to construct fences in certain cases.

HOUSE BILLS.

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

No. 77—to authorize the county of Grant to issue bonds to fund outstanding indebtedness—judiciary.

No. 78—to incorporate the city of Larimore—counties, towns and cities.

No. 85—to authorize joint school district 33, of Cass and Barnes counties to issue bonds—ways and means.

No. 94—to repeal the act to amend section two, chapter 21, of the political code—judiciary.

No. 97—to authorize Pennington and Custer counties to issue bonds to fund outstanding indebtedness—judiciary.

No. 95—to amend section 581 of the code of criminal procedure—territorial affairs.

No. 98—to amend the act defining boundaries of judicial districts and to fix the terms of courts therein—judiciary.

House file 43—authorizing the town of Wallhalla, in Pembina county, to construct a bridge across Red river—had its several readings, under suspension of rules, and was passed by unanimous vote.

House file 40—prescribing terms of office for county commissioners—had its third reading and was passed, Messrs. Nowlin, Robinson, Towner, Tychsen, Inman and Wynn voting in the negative, and all the rest present in the affirmative.

Mr. Nowlin moved that house file No. 100, introduced this morning—a bill to provide for the election of district attorneys in counties—under a suspension of of the rules, have its several readings, and be put upon its passage.

A lively debate ensued upon the haste exhibited in the passage of an important measure, Messrs. Sterling and Bowman speaking against the passage of the bill, and Mr. Choteau for its passage.

Mr. Nelson moved that the bill be referred to the committee on judiciary, but was declared out of order.

Then bill then came up for passage and was passed, Messrs. Allred, Bowman, McCallister, Nelson, Pyatt and Sterling voting in the negative, and all the rest present in the affirmative. Mr. Bowman changed his vote to aye so that he could move a reconsideration.

Mr. Speaker (Mr. Rienhart in the chair) moved that the vote by which house file 100 was passed be reconsidered and that the motion to reconsider be laid upon the table.

Mr. Bowman moved a call of the house, but was not sustained. He asked the house not to be in a hurry, but to wait until Monday.

Mr. Bowman was called to order, but the chair ruled down the point of order.

Mr. Speaker's motion was then adopted.

REPORTED AND PASSED.

Mr. Harvey, from the committee on education, reported house file 81—to provide for the construction of a normal school building at Madison—with amendments and a recommendation that it pass.

On motion of Mr. Harvey, the rules were suspended, the bill had its final reading and was passed by unanimous vote.

BILLS SIGNED.

The speaker announced that he had signed council bills 23, 16, 20, 27, 22, 45, 32 and 42.

RECESS.

The house, at 11:30 a. m., took a recess until two o'clock p. m. to-day.

AFTERNOON SESSION.

House reconvened at two o'clock p. m.

A call of the house was demanded, sustained, and the sergeant at arms sent out in search of missing members who had gone down to the steamboat fire.

In the course of time he returned, having gathered up all he could find and proceedings were renewed.

The committee on enrollment reported that house files 37 and 53 had been correctly enrolled, whereupon the speaker announced his signature of the same.

COMMITTEE OF THE WHOLE.

The house then went into a committee of the whole on the general order, on motion of Mr. Luman, Mr. Tychsen in the chair.

After consideration of its business the committee rose and reported a recommendation that house file 57—the modification of the exemption law, be made a special order for next Wednesday, including certain amendments; that the report of the majority of the judiciary be adopted on house file 80.

The report was adopted.

ADJOURNMENT.

The house at four o'clock p. m., adjourned to ten o'clock Monday morning.

Session Notes.

The various appropriation bills providing for the support of Dakota's unfortunates and its criminals for the coming two years, which were reported favorably upon by the council committee of the whole, have been referred back to the committee on appropriations, after they had been finally considered. This is done at the behest of the trading member from Grand Forks. The intention appears on the surface to be to use the appropriation bills as a club with which to pound unwilling legislators into line for the support of measures designed to inure to the financial good of Mr. Walsh. It appears to be of very small importance to him whether those who have become public charges are provided with the means of existence. If Odessa is not made the county seat of a county the legislature will be called upon to avenge Mr. Walsh by deciding that the insane, the deaf and dumb, the criminals within the penitentiary, shall go without the support which common justice and humanity accords to the lowest of the brute creation. There are times and occasions when combinations are not to be severely criticised, but when the support of our charitable and penal institutions is made contingent upon the success of schemes for individual gain it is time to ask how far each indulgence should be permitted to extend.

Crossey got left. He was going to Vermillion this morning to stay over Sunday, but forgot (so he says) that the train starts from the new depot, which is three quarters of a mile from the post office, instead of the old depot which is only two squares from Nasby's business house. Well, when he found out his mistake he struck out for the new depot at such a rate that you could have played marbles on his coat tail. But the train wouldn't wait, even for an assistant clerk of the house in which Rice's railroad bill is pending. And this is how this one of the Huron horde got left.