

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Thirty-Sixth Day.

Council.

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

Prayer by Rev. Miller.

The roll-call showed all members in their seats.

The journal was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of a resolution that immediate action by the council be requested on house file No. 44—to repeal chapter 85 of the session laws of 1881; that the house had concurred in the council amendment to house file No. 47—relative to the construction of fences by railroads along their right of way in certain cases; and that the house had passed house file No. 70—authorizing the county of Clark to issue bonds for the erection of a school house; also house file No. 88—to amend section 23, chapter 28 of the political code; house file 90—to amend chapter 59 of the session laws of 1873, entitled townships; house file 95—to amend section 582 of the code of criminal procedure, and house file 100—to create the office of district attorney for the different counties of the territory.

BILLS INTRODUCED.

The following bills were introduced and given their first reading:

By Mr. Dewey—council bill No. 108—to amend the charter of the city of Yankton.

By Mr. Jackson—council bill No. 109—to incorporate the village of Valley Springs.

By Mr. Ziebach—council bill No. 110—to define the boundaries of certain counties.

Mr. Ziebach moved that council bill No. 110 be given a second reading and be referred to the proper committee. Carried. It was so read and referred to the committee on counties.

By Mr. Roberts—council bill No. 111—to legalize the incorporation of the village of Casselton and the acts of the officials of Casselton.

By Mr. Roberts—council bill No. 112—to provide funds for the erection of a penitentiary at Fargo.

By Mr. Roberts—council bill 113—to locate and provide for the building of a territorial penitentiary at Fargo.

SECOND READING OF COUNCIL BILLS.

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

Council bill No. 101—providing for the establishment of an university at Grand Forks—committee on education.

Council bill No. 102—providing funds for the University of North Dakota at Grand Forks—committee on appropriations.

Council bill No. 105—to amend sections 601 and 612 of the civil code—committee on judiciary.

Council bill No. 106—to amend sections 73, 74 and 75 of the political code—committee on judiciary.

PASSAGE OF BILLS.

The following council bills were given their third reading and disposed of as indicated:

Council bill No. 59—to provide extra compensation for Frank J. Mead as clerk of the last house of representatives was passed, all voting in the negative except Messrs. McCauley, Nickens and Walsh, who voted in the affirmative.

Council bill No. 64—providing \$25,000 for the construction of a west wing for the hospital for the insane. Passed, all voting in the affirmative.

Council bill No. 67—appropriating \$25,000 for the establishment and maintenance of an agricultural college at Brookings. Passed, all voting in the affirmative.

Council bill No. 68—to provide funds for a normal school at Springfield. Passed, all voting in the affirmative, excepting Mr. Jersauld, who voted in the negative.

Council bill No. 70—providing additional compensation for the publication of tax sales. Passed, all voting in the affirmative excepting Mr. Jersauld, who voted in the negative.

Council bill No. 71—providing funds for the completion and maintenance of the university at Vermillion. Passed, all voting in the affirmative.

Council bill No. 75—providing funds for the completion of the territorial penitentiary. Passed, all voting in the affirmative.

Council bill 76—providing an appropriation of \$30,000, for permanent improvements and the purchase or lease of a stone quarry for the territorial penitentiary.

Mr. Burdick moved the bill be amended to correct a slight ambiguity. Carried.

The bill was then passed, all voting in the affirmative.

Council bill No. 83—providing funds for a normal school at Spearfish. Passed, all voting in the affirmative.

HOUSE FILES.

House files Nos. 70, 83, 91, 95 and 100, referred to in the house message, were read a first time.

SECOND READING.

The following house files were given a second reading and referred to the committees indicated.

No. 93—to authorize the erection of a wagon bridge at Wallhalla, Pembina county. Committee on counties, towns and cities.

No. 50—to amend section 3, chapter 21, of the political code. Committee on judiciary.

No. 81—to provide funds for a normal school at Springfield. Committee on appropriations.

PASSAGE OF HOUSE FILES.

House file No. 65—to amend the fence law of the counties of Pennington, Cass-

ter, Mandan and Forsyth, passed, all voting in the affirmative.

COMMITTEE OF THE WHOLE.

The council then went into a committee of the whole with Mr. Nickens in the chair, for the consideration of reports of committees.

When it arose it reported with recommendations as follows:

That the substitute bill for an act to regulate the weighing and grading of wheat and for other purposes be printed, and lie on the table. That house bill No. 60, to amend section 23, chapter 28 of the political code, be recommended to the committee on judiciary. That house file 30—defining the boundaries of the county of Hyde do pass. That house file 66—to repeal certain parts of the funding act of Pennington and Custer counties do pass. That house file 52—to require express companies to pay taxes into the territorial treasury in like manner as are now paid by railroad companies, do not pass. That the house recede from its amendments to council bill 13—to amend section 163, chapter 2, of the code of criminal procedure. That house file 72—to vacate the town plat of Roscoe, do pass. That house file No. 83—to amend the incorporation act of the village of Flandrau, do pass. That council bill 92—providing a city charter for Jamestown, do pass. That council bill No. 74—authorizing the treasurer of Lincoln county to collect school taxes voted by school districts 55 and 71 of Lincoln county at the annual meeting in 1882, do pass. That council bill 43, creating the office of county auditor, and defining the duties thereof, be made the special order for tomorrow at two p. m., and that council bill 51, to remove the territorial capital to Huron, do not pass.

On motion of Mr. Nickens the report of the committee of the whole was adopted.

The council then 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 Mr. Ellis who was excused.

The journal was read and approved.

COMMITTEE REPORTS.

Mr. Sterling, from the committee on judiciary, reported house file 76—to amend section 519 of the political code—with a recommendation that it pass; also house file 87—to amend section 1,747 of the civil code—with a recommendation that it pass; also house file 7—to amend chapter 19 of the political code—with a recommendation that it pass; also house file 97—to authorize Pennington and Custer counties to issue bonds to fund outstanding indebtedness—with a recommendation that it pass; also council bill 17—relating to the service of summons in justice courts—with amendments and a recommendation that it pass as amended; also council bill 18, with amendments and a recommendation that it pass as amended, also house file 35—granting to either

husband or wife power to sell real property in cases of abandonment or imprisonment—with a recommendation that it pass; also council bill 41—relating to exemptions from purchase money—with a recommendation that it pass; also council bill 61—to amend section one, chapter 86, of the laws of 1881—with a recommendation that it pass; also council bill 73—to amend the code of civil procedure—with a recommendation that it do not pass; also council bill 82—to amend section 718 of the political code—with a recommendation that it pass.

The bills and reports were referred to the committee of the whole.

Mr. Pyatt, from the committee on rules reported a recommendation that rule 27 be so amended as to require the first and second reading of bills on the same day. The report was adopted.

Mr. Nelson, from the committee on counties, reported the bill authorizing the county of Davison to fund its outstanding indebtedness—with amendments and a recommendation that it pass; also council bill 79—to authorize the construction of a court house and jail in Kidder county—with amendments and a recommendation that it pass; also house file 68—authorizing the village of Madison to issue bonds for the purchase of normal school grounds—with a recommendation that it pass; also house file 91—providing for an increase in the number of county commissioners—with a recommendation that it pass.

The bills and the reports were referred to a committee of the whole.

Mr. McCallister, from the committee on education, reported council bill 80—to authorize district one of Kidder county to issue bonds—with a recommendation that it pass; also house file 96—to establish district 39 Turner as an independent school district—with a recommendation that it pass. The bills and reports were referred to the committee of the whole.

DISTINGUISHED VISITORS.

On motion, Major A. W. Edwards and Sheriff Haggart, of Fargo, and Sheriff McKintie, of Bismack, were granted the privileges of the floor.

MOTIONS.

Mr. Choteau moved that further consideration of the report on council bill 18 be indefinitely postponed. Adopted.

Mr. Harvey moved that house file 105—to incorporate the village of Muto—be given its second reading and reference. Adopted.

NOTICES OF BILLS.

By Mr. Phillips—to amend section ten of chapter twenty-seven of the political code.

By Mr. Sterling—to regulate the keeping of county, township and precinct offices.

By Mr. Sterling—providing for the taxation of costs in civil cases.

By Mr. Nowlin—to locate, establish and endow a school of mines for the territory of Dakota.

By Mr. Nowlin—for the protection of hides of meat cattle.

By Mr. Nowlin—to amend section 197 of the code of civil procedure.

By Mr. Nowlin—to repeal section one of chapter 29, entitled highways, bridges and ferries.

By Mr. Speaker—to provide for locating and building a penitentiary for northern Dakota at Bismarck.

By Mr. Robinson—to amend article twelve of the justice code.

BILLS INTRODUCED.

By Mr. Sterling—House file 115—to incorporate the city of Pierre.

By Mr. Lamb—House file 116—to incorporate the city of Aberdeen.

By Mr. Rinehart—House file 118—to divide Lawrence county and organize the county of Halo.

By Mr. Inman—House file 119—providing for punishing persons who permit Canada thistles and cockle burrs to grow upon their land.

By Mr. Inman—House file 120—to require notaries public to affix at the end of their signatures the time when their term of office expires.

By Mr. Inman—house file 121—to give a lien upon mares and cows and their offspring for services of stallions and bulls.

By Mr. Inman—House file 122—providing for the destruction of Canada thistles and cockle burrs.

COUNCIL BILLS.

Council bill 87—relative to giving security to manufacturers and owners of railroad rolling stock—had its first and second readings, and was referred to the committee on judiciary.

The following council bills, the character of which is indicated in previous committee reports, had their third reading and were disposed of in the manner indicated:

No. 80, 81 and 85, passed by unanimous vote.

No. 41 passed, Messrs. Bensen, Phillips, Wynn and Mr. Speaker voting in the negative, and all the rest in the affirmative.

No. 82 passed, Messrs. Inman and Pyatt voting in the negative and all the rest in the affirmative.

No. 73 was lost, Messrs. Nelson, Phillips, Rinehart, Sterling and Towner voting in the affirmative, Messrs. Rice and Thompson being excused, and all the rest voting in the negative.

HOUSE BILLS.

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

No. 105—to incorporate the village of Minto—counties, towns and cities.

No. 99—to regulate the cross examination of defendants in criminal cases—judiciary.

No. 102—to regulate the challenges of jurors—judiciary.

No. 103—to regulate the practice in criminal cases in which the United States is a party.

No. 104—to amend paragraph 446 of the code of civil procedure—judiciary.

House files 96, 68, 97, 107, 87 and 76 were passed by unanimous vote. (See committee reports.)

COMMITTEE OF THE WHOLE.

The house, at 11:10 a. m., on motion of Mr. Pyatt, went into committee of the whole on the general order, Mr. Wynn in the chair.

At 11:45 a. m. the committee rose and reported sundry bills which had been under consideration. The report was adopted.

ADJOURNMENT.

The house, at 11:50 a. m., adjourned to ten o'clock Wednesday morning.

Session Notes.

Mr. Thompson, of Minnehaha county, returned Monday from a four days' absence at home. He had a ha-ha sort of a look on his frontispiece and a bag of oranges under his arm, which latter he placed on the desks of the members. The cause of this orangeade was that one little girl came to live with him during his absence. "The boys" at the house wish there had been twins.

There was a large attendance in the council lobby this morning including a half dozen lady visitors.

Mr. Robert's bill for a penitentiary at Fargo calls for an appropriation of \$60,000 and fixes the wardens salary at \$3,000. It is to be located on 10 acres of land within the city limits of Fargo or within a radius of one mile thereof.

The house accomplished a large amount of business in a short time this morning and did it without jar or friction.

Tom Marshall is here to fight the proposed division of Brown county, which he says is made solely in the interest of possessors of eligible town sites which are ambitious to become county seats.

The action of the committee of the whole this morning on the capital-removal bill was watched with intense interest, as it afforded a test vote on the much mooted question. The unfavorable report of the committee on territorial affairs created a sensation, though it was not entirely unexpected. Immediately upon its receipt, Mr. Walsh jumped to his feet and moved the bill be recommitted to a special committee, which brought out a brief passage at arms. His grounds for recommitment were that Huron had offered an additional donation of land and funds for erection of buildings which had not been incorporated in the bill, and that these additional offers were worthy of consideration at the hands of a committee. Mr. Dewey warmly combated the proposition, stating that the removal question was not a new one; that the bill had been in the hands of the committee nearly two weeks, and that Huron's, or any other delegation, had ample opportunity for going before the committee and urging their claim, but had neglected to do so. He furthermore protested against having the question held in suspense any longer, as it distracted attention from other necessary legislation. Mr. Jackson, as a member of the committee on territorial affairs, explained its action, alleging the Huron delegates had not appeared before the committee nor presented their claims, though opportunity had been given. Mr.

Nickeus, a member of the committee, made a brief personal explanation. A vote on Mr. Walsh's motion was taken resulting in its defeat by the following vote: Affirmative—Messrs. Burdick, Nickeus, Roberts, Walsh, Ziebach and Scooby—6. Negative—Messrs. Dewey, Jackson, Jersauld, McAuley, McIntosh and Washabough—6. The report of the committee on territorial affairs was adopted by the following vote: Affirmative—Messrs. Dewey, Jersauld, McAuley, McIntosh, Washabough—6. Negative—Messrs. Burdick, Nickeus, Roberts, Walsh, Mr. Scooby—5. Mr. Ziebach not voting.