



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Thirty-Eighth Day.

Council.

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

Prayer by the chaplain.

The roll call showed all members in their seats.

The journal was read and approved.

NOTICES OF BILLS.

By Mr. McIntosh—to incorporate the city of Chamberlain.

INTRODUCTION OF BILLS.

The following bills were introduced and given their first reading:

By Mr. McAnley—council bill 120—to define the boundaries of Faulk and other counties.

By Mr. McAnley—council bill 121—to define the boundaries of certain counties.

MESSAGE FROM THE HOUSE.

A message was received from the house concerning that council bill No. 11—to incorporate the city of Grand Forks, had been passed; that council bill No. 17—relating to the service of justice court summons, council bill No. 18—relating to the service of district court summons, and council bill No. 37—authorizing the county of Davison to refund its outstanding indebtedness were amended and passed; that the house has voted to indefinitely postpone further consideration of the report of the conference committee on council bill No. 12—relating to section 163 of chapter 2 of the criminal code; and that house file No. 10—authorizing the county of Morton to issue bonds to fund its outstanding indebtedness, house file No. 71—to incorporate the city of Lisbon, house file No. 86—to authorize the county of Morton to bridge the Heart river and issue bonds therefor, house file No. 92—creating the county of Nelson, had passed that body.

Mr. Roberts moved the council do not concur in house amendment to council bill No. 17—relating to service of summons of justice court—carried.

Mr. Roberts moved the council do not concur in the house amendments to council bill No. 18—relative to the service of summons in district courts—carried.

Mr. Bardick moved a committee of three be appointed for conference with a house committee on the above bills—carried.

The president appointed as such committee Messrs. Bardick, Roberts and Walsh.

Mr. McIntosh moved the council concur in house amendment to council bill No. 57—carried.

SECOND READING OF COUNCIL BILLS.

The following bills were read a second time and referred to committees indicated.

No. 112—to provide funds for the erection of a penitentiary at Fargo—committee on appropriations.

No. 113—to establish a penitentiary at Fargo—committee on appropriations.

No. 115—to amend section 2, chapter 41, of the session laws of 1877, relative to the killing of certain kinds of game—committee on judiciary.

No. 116—to regulate the foreclosure of mortgages and provide for perpetuating the evidence in the case—committee on judiciary.

No. 117—to amend section 22, chapter 33 of the revised code—committee on public printing.

PASSAGE OF BILLS.

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

No. 101—to locate and establish the university of north Dakota at Grand Forks. Passed, all voting in the affirmative.

No. 102—to provide funds for the establishment of the university of north Dakota. Passed, all voting in the affirmative except Mr. Jersauld, who voted in the negative.

No. 72—to provide for the erection of a court house and jail in the county of La Moure. Passed, all voting in the affirmative except Mr. Jackson, who voted in the negative.

HOUSE FILES.

The following house files referred to in the house message above were given their first reading. Nos. 53, 71, 86 and 92.

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

No. 68—authorizing Madison to issue bonds to purchase normal school lands—committee on appropriations.

No. 76—to amend section 5, chapter 19, of the political code—committee on judiciary.

No. 87—to amend section 1,745 of the civil code—committee on judiciary.

No. 93—to establish independent school districts of Turner county—committee on education.

No. 97—to authorize the commissioners of Pennington and Custer counties to fund outstanding indebtedness—committee on mines and mining.

No. 107—to amend chapter 19, of the political code—committee on judiciary.

PASSAGE OF HOUSE FILES.

The following house files were given their third reading and being put on their final passage were disposed of as indicated:

No. 81—to provide funds for building a normal school at Madison—passed, all voting in the affirmative except Messrs. Jersauld, McAnley and Niekus, who voted in the negative.

No. 82—to legalize the acts of the incorporated village of Flandrau—passed, all voting in the affirmative.

COMMITTEE OF THE WHOLE.

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

That council bill 116—to define the boundaries of certain counties be amended and that the bill do pass as amended.

That council bill 107—relating to the counties of Richmond and Edgerton and Inman, be amended and that it do pass as amended.

That house file 55—authorizing the county of Barnes to fund its indebtedness do pass.

That house file 93—authorizing the township of Walhalla to bridge the Pembina river do pass.

That house file 62—to amend chapter 59 of the session laws of 1879—entitled townships do pass.

That house file 79—repealing chapter 48 of the special laws of 1881—to protect the passage of fish in Goose river do pass.

That council bill 54—providing for the recording of marriage certificates and regulating marriage do pass.

That council bill 25—prohibiting the importation of Texas and Cherokee cattle be committed to the committee on territorial affairs.

That council bill 96—providing a board of education for Jamestown do pass.

That council bill 50—authorizing township officers to issue bonds for draining, grading and ditching and for other purposes be amended and that it do pass as amended and that council bill 114 to amend section 1745 of the civil code be amended and that the bill do pass as amended.

The report of the committee of the whole was adopted.

The council then adjourned.

HOUSE CONVENED.

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. Lamb, who was excused.

The journal was read and approved.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 74—authorizing the treasurer of Lincoln county to collect school taxes voted by districts 55 and 71 of that county at their annual meeting in 1882; council bill 92—providing a charter for the city of Jamestown; council bill 109—to amend the incorporation act of Valley Springs; house file 30—defining the boundaries of Hyde county; house file 72—to vacate the town plat of Roscoe, Moody county; house file 83—to amend the incorporation act of Flandrau; also that the council had refused to concur in the passage of house file 52—compelling express companies to pay taxes on gross earnings.

BILLS SIGNED.

The speaker announced that he had signed council bill 56 and house file 47.

COMMITTEE REPORTS.

Mr. Sterling, from the committee on judiciary, reported house file 102—to regulate challenging of jurors in criminal cases—with a recommendation that it pass; also house file 103—to regulate the practice in criminal cases where the United States is a party—with a recommendation that it pass.

Mr. Lamb, from the committee on enrolled bills, reported house files 32 and 36 as properly enrolled.

Mr. Benson, from the committee on railroads, reported house file 63—to amend chapter 46, laws of the 13th session—with a recommendation that further action be indefinitely postponed.

Mr. Nelson, from the committee on counties, towns and cities, reported council bill 49—to incorporate the city of Sioux Falls—with a recommendation that it pass; also house file 105—to incorporate the village of Minto—with a recommendation that it pass.

NOTICES OF BILLS.

By Mr. Ellis—to fund the road and bridge fund of Union county.

By Mr. Ellis—to refund the indebtedness of Union county.

By Mr. Sterling—to legalize the acts of the president and trustees of the village of Howard and to authorize issue of bonds.

By Mr. Sterling—for the construction of a court house and jail in Brule county.

By Mr. Sterling—to amend subdivision six, section six, chapter 84, laws of 1881.

By Mr. Robinson—to amend section one, chapter 37 of the session laws of 1881.

By Mr. Robinson—to amend article 16 of the justice code.

By Mr. Robinson—to amend section 45 of the justice code.

By Mr. Van Woert—to authorize school district six, McCook county, to issue bonds.

By Mr. Benson—providing for constructing a court house and jail in Griggs county.

By Mr. Wynn—to vacate a portion of the townsite of Banning Water, Ben Homme county.

By Mr. Williams—to provide funds for the construction of a penitentiary at Bismarck.

BILLS INTRODUCED.

By Mr. Thompson—house file 130—to amend section two, chapter 85, political code.

By Mr. Rice—house file 131—to amend section 15, chapter 39 political code.

By Mr. McCallister—house file 132—to amend chapter 13 of the code of civil procedure.

By Mr. Sterling—house file 133—to incorporate the city of Huron.

By Mr. Nelson—house file 134—to locate, establish and endow a territorial normal school.

By Mr. Harvey—house file 135—to create, establish and endow a territorial normal school at Minto.

By Mr. Benson—house file 136—to incorporate the city of Steele.

By Mr. Benson—house file 137—to amend the incorporation of the village of Mandau.

By Mr. Nelson—a concurrent resolution instructing the judiciary committee of the house to act with the judiciary committee of the council.

in the preparation of an amendment to the exemption law.

The concurrent resolution was adopted.

COUNCIL BILLS.

The following council bills had their first reading.

No. 92—providing a charter for the city of Jamestown.

No. 109—to amend the incorporation act of the village of Valley Springs.

No. 74—to authorize the treasurer of Lincoln county to collect taxes in certain cases.

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

No. 67—appropriating \$25,000 for the establishment and maintenance of an agricultural college at Brookings—appropriations.

No. 71—providing funds for the completion and maintenance of the university at Vermillion—appropriations.

No. 70—providing additional compensation for the publication of tax sales—territorial affairs.

No. 76—providing an appropriation of \$30,000, for permanent improvements and the purchase or lease of a stone quarry for the territorial penitentiary—appropriations.

No. 64—providing \$25,000 for the construction of a west wing for the hospital for the insane—appropriations.

No. 68—to provide funds for a normal school at Springfield—appropriations.

No. 83—providing funds for a normal school at Spearfish—appropriations.

No. 75—providing funds for the completion of the territorial penitentiary—charitable and final institutions.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 101—locating and establishing the university of north Dakota; also council bill 102—providing funds for construction of the university; also council bill 72—for the issue of bonds to build court house and jail in La Motre county.

Mr. Nelson moved that council bills 101 and 102 be given their first and second reading and reference. Adopted and the bills referred to the committee on appropriations.

COUNCIL BILL.

No. 49—to incorporate the city of Sioux Falls—had its third reading and was passed, Messrs. Ellis, Thompson and Tychsen voting in the negative, Mr. Inman being excused and all the rest voting in the affirmative.

HOUSE FILES.

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

No. 123—to amend article 12 of the justice code—judiciary.

No. 125—to protect the hides of neat cattle—judiciary.

No. 126—to repeal section 1 of chapter 29, entitled highways, bridges and ferries—counties, towns and cities.

No. 127—to amend section 197 of the code of civil procedure—judiciary.

No. 129—to provide for locating and building a penitentiary for northern Dakota at Bismarck—appropriations.

No. 110—to create the county of Fall River—counties, towns and cities.

FROM THE GOVERNOR.

A message was received from the governor announcing that he had approved and signed bills for construction of court houses and jails in Beadle and Walsh counties.

HOUSE FILES.

The following house files came up on their third reading and passage and were disposed of as indicated:

No. 102 (see committee report) passed, Mr. Rinehart alone voting in the negative.

No. 103 (see committee report) passed by unanimous vote.

No. 63—providing for local taxation of railroad property—came up for passage, the report of the committee recommending the rejection of the bill.

Mr. Choteau moved that the report of the committee be adopted, and that further consideration of the bill be indefinitely postponed.

This motion brought out a lengthy argument in which Mr. Rice advocated its rejection in eloquent terms, and Mr. Choteau and Mr. Inman were equally eloquent in its support. Mr. Inman's poetical peroration was received with applause and laughter, and the motion went to a vote and was adopted as follows:

Ayes—Messrs. Alfred, Benson, Bowman, Choteau, Harvey, Inman, Lamb, McCallister, Nelson, Nowlin, Robinson, Sterling, Towner, Wagner, Wynn and Mr. Speaker—16.

Nays—Messrs. Ellis, Pyatt, Rice, Rinehart, Thompson, Tychsen and Van West—7.

Mr. Nelson moved that the vote by which the motion was adopted be reconsidered, and that the motion to reconsider be laid upon the table. Adopted.

FROM THE GOVERNOR.

A communication was received from the governor which informed the house that he had invited Hayden M. Thompson, one of the largest fruit and tree growers in Wisconsin and Dakota, to deliver an address upon forest culture, and asking the legislative assembly to designate a time and place for the address. Referred to the committee on agriculture.

AMENDING A BILL.

Under a suspension of the rules, Mr. Nowlin introduced a bill to amend section four of the act regulating pardons, passed at the present session.

Mr. Nowlin moved that the rules be suspended, that the bill have its several readings and be put upon its passage. Adopted.

The bill then had its several readings and was passed by unanimous vote.

ADJOURNMENT.

The house, at 12:15 p. m., adjourned to ten o'clock Friday morning.

Session Notes.

Huron Leader: Hon. George W. Sterling is undoubtedly working for the best interests of the people of the district

from which he was elected. His public career at Yankton has been straight-forward and satisfactory, both to the citizens of Pierre as well as Huron. Mr. Sterling deserves the full confidence placed in him by his constituents.

The defeat of the bill to provide for local taxation of railroad property was the feature in the house this morning. The measure was introduced by Mr. Rice and was argued at length by him, with Mr. Choteau and Mr. Inman as his opponents. The bill was nearly the same in its effects as the one introduced at the last session and defeated after a hard fight.