



DAKOTA'S LEGISLATURE.

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

Fiftieth Session—Thirty-Ninth Day.

Session.

Council convened at 10 o'clock a. m., Mr. President in the chair. Prayer by the chaplain.

Roll call showed all members in their seats.

Journal read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that it had passed council bill No. 49—incorporating the city of Sioux Falls; also house file No. 102—to regulate the challenge of jurors in criminal cases; house file No. 103, to regulate the practice in criminal cases in which the United States is a party; and house file No. 138 to amend the act to regulate the application for pardons.

REPORTS OF COMMITTEES.

Mr. Jackson, from the committee on agriculture, reported that it had selected Saturday evening as the date on which Mr. Thompson was to be heard in a lecture on the subject of forestry.

Mr. Dewey moved the report of the committee be adopted. Carried.

INTRODUCTION OF BILLS.

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

By Mr. Walsh—Council bill No. 122—to enable owners of land to drain and reclaim them.

By Mr. Walsh—Council bill No. 123—to authorize the commissioners of Grand Forks county to redistrict that county.

By Mr. Walsh—Council bill No. 124—to legalize the acts of the county commissioners of Grand Forks county in issuing \$10,000 of jail bonds.

By Mr. Walsh—Council bill No. 125—to legalize the assessment of the city of Grand Forks.

By Mr. McIntosh—Council bill No. 126—to authorize school district No. 1 of Aurora county, and school district No. 12 of Davison county, to issue bonds for the erection of school buildings.

SECOND READING OF COUNCIL BILLS.

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

No. 104—to establish a board of railroad commissioners—committee on railroads.

No. 120—to define the boundaries of Faulk and Potter counties—committee on counties, townships and cities.

PASSAGE OF BILLS.

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

Council bill No. 50—authorizing the supervisors of different townships to issue bonds for ditching and draining—passed, all voting in the affirmative except Mr. Dewey.

Council bill No. 54—to regulate marriage and provide for recording marriage certificates—passed, all voting in the affirmative except Messrs. Burdick, and Washabaugh, Mr. President, not voting.

Council bill No. 93—to create a board of education for Jamestown—passed, all voting in the affirmative.

Council bill No. 114—to amend section 1,745 of the civil code relative to the exemption of the record of mortgages on grain acting as a notice to public when the grain is severed from the ground on which it grew—carried, all voting in the affirmative.

Council bill No. 53—relation to the weighing and grading of wheat.

Mr. Dewey moved the bill be recommended to the committee of the whole and made a special order for Monday at 2 p. m.—carried.

HOUSE FILES.

House files Nos. 102, 102 and 138, referred to above in the house message, were given their first reading.

The following house files were given their second readings and referred to the committees indicated.

House file No. 58 (substitute)—authorizing Morton county to refund its outstanding indebtedness—committee on appropriations.

House file No. 71—incorporating the city of Lisbon—committee on incorporations.

House file No. 86—to authorize Morton county to bridge the Hart river and issue bonds therefor—committee on counties, townships and cities.

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:

House file No. 55—to authorize the county of Barnes to issue bonds for refunding its outstanding indebtedness—passed, all voting in the affirmative.

House file No. 62—substitute—to amend chapter 59 of the session laws of 1879, to authorize the board of equalization. Laid on the table.

House file No. 79—to protect the passage of fish in the Goose river. Passed, all voting in the affirmative except Mr. Nickens, not voting.

House file No. 93—to authorize the erection of a bridge at Walhalla, Pembina county, and the issue of bonds therefor. Passed, all voting in the affirmative except Messrs. Scobey and Nickens, not voting.

At 11 a. m. Mr. Roberts moved a recess of ten minutes be taken. Carried.

MESSAGE FROM THE HOUSE.

At the conclusion of the recess a message from the house was received announcing that it had passed without amendment council bill No. 51—authorizing Yankton county to issue bonds to refund its outstanding indebtedness.

COMMITTEE OF THE WHOLE.

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

When the committee arose it reported

progress and asked leave to sit again at 2 p. m., but previous to rising had made the following recommendations:

That council bill 91, to incorporate the city of Mitchell, do pass; that council bills 112 and 113, providing funds, and for the erection of a penitentiary at Fargo, be made the special order for Thursday next at 2 p. m., and that the substitute bills for council bill 60, requiring telephone companies to pay taxes the same as telegraph companies, and council bill 39, to create the office of district attorney for the several counties, reported from the judiciary committee, be printed and lie on the table. Recess until 2 p. m.

AFTERNOON SESSION.

The council went into committee of the whole at 2 p. m., Mr. Ziebach in the chair.

When the committee arose it reported through its chairman with the following recommendations.

That house file 50—to amend section 3 chapter 21, of the political code, do not pass.

That council bill 91—to provide bounties for the killing of foxes, wolves, gophers, &c., be amended and that the bill do pass as amended.

That house file 61—to amend section 31, chapter 3 of the code of civil procedure, do not pass.

That council bill 116, regulating the foreclosure of mortgages by advertisement do pass.

That house file 70, to amend section 400 of the civil code, entitled corporations do not pass.

That house file 87—to amend section 1,743 of the civil code be amended and do pass as amended.

That council bill 115—to amend section 2 of chapter 41 of the session laws of 1877 be amended and do pass as amended.

That council bill 111—to legalize the incorporation of Casselton—do pass.

That council bill 29—to legalize the election of township officers—do pass.

That council bill 99—to amend section 667, of the code of civil procedure—be amended and that it do pass as amended.

That house file 75—to authorize arrest and bail—do not pass.

That council bill 121—to define the boundaries of certain counties—be indefinitely postponed; and that council bill 107—creating the counties of Richmond, Edgerton and Inman and defining the boundaries of Brown counties—do pass.

The report of the committee was adopted.

Mr. President introduced council bill 107—a bill for an act to incorporate the city of Brookings.

HOUSE MESSAGE.

A message was received from the house announcing the passage of house file 85, authorizing certain school district in Cass and Barnes counties to issue bonds for building and furnishing schools, house file 105, to incorporate the village of Minto.

House file 153 to provide funds for building a penitentiary at Bismarck and house file 142, to endow and create a school of mines, also returning as passed without amendment council bill 83, appropriating money for a normal school at Spearfish, council bill 71 to provide funds to complete the main building of the territorial university at Vermillion, council bill 66, appropriating money for furnishing and maintaining the hospital for insane. Council bills 101 and 102, appropriating \$50,000 for and locating the university of north Dakota at Grand Forks, and council bill 64 authorizing bonds to construct the west wing of the insane hospital.

All house files received were given their first reading. 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.

The journal was read and approved.

RAYMOND COUNTY.

Mr. Alierd presented a petition from twenty-nine electors of Cass and Barnes counties asking for the creation of the county for Raymond. Placed on file with the bill.

THOMPSON'S LECTURE.

Mr. Ellis, from the committee on agriculture, reported a recommendation that Hayden M. Thompson be invited to deliver a lecture Saturday evening.

NOTICES OF BILLS.

By Mr. Rinehart—to enable Lawrence county to bond its floating indebtedness. By Mr. Rinehart—to create a miners' relief fund under the auspices of the Lead City miners union.

By Mr. Rinehart—to enable Lawrence county to refund its present bonded indebtedness at a lower rate of interest.

By Mr. Bowman—to provide for the location of the seat of government of the territory of Dakota, the erection of public buildings thereat and for other purposes.

By Mr. Bowman—to protect game in Dakota.

By Mr. Choteau—to amend section 37, chapter 28, of the political code.

By Mr. Towner—to create the county of Nickens.

By Mr. Towner—to locate and establish normal schools at Buxton, Traill county, and at Grand Forks.

By Mr. Towner—to authorize the commissioners of Traill county to purchase an asylum for the poor.

By Mr. Sterling—to repeal chapter 19, of the laws of 1879—an act prescribing fees for the secretary of the territory.

By Mr. Robinson—to regulate the sale of intoxicating liquors.

By Mr. Nowlin—to regulate the survey and marking of public highways.

By Mr. Nowlin—to create the county of Schuasse.

By Mr. Pyatt—to authorize the commissioners of Richland county to use a part of the sinking fund for bridge purposes.

By Mr. Phillips—to preserve the waters of the James river and its tributaries for domestic and drinking purposes.

By Mr. Phillips—to amend section twenty-seven of chapter forty-six of the railroad laws of 1879.

By Mr. Speaker—to amend the act entitled an act to incorporate the city of Bismarck.

BILLS INTRODUCED.

By Mr. Robinson—House file 139—to amend section one, chapter 37, laws of 1881.

By Mr. Robinson—House file 140—to amend section 45 of the justice code.

By Mr. Robinson—House file 141—to amend article sixteen of the justice code.

By Mr. Nowlin—House file 142—to locate a school of mines for Dakota.

By Mr. Wynn—House file 143—to vacate a portion of the townsite of Running Water, Bon Homme county.

By Mr. Lamb—House file 144—granting the right to establish and maintain a ferry across the Missouri river.

By Mr. Benson—House file 145—providing for constructing a court house and jail in Griggs county.

By Mr. Van Woert—House file 146—to authorize school district six, McCook county, to issue bonds.

By Mr. Thompson—House file 147—to amend chapter 46 of the laws of 1879.

By Mr. Sterling—House file 148—for the construction of a court house and jail in Brule county.

By Mr. Sterling—House file 149—to amend subdivision six, of section six, chapter 84, laws of the fourteenth session.

By Mr. Sterling—house file 151—to legalize the acts of the president and trustees of the village of Howard and to authorize the issue of bonds.

By Mr. Sterling—house file 150—to regulate the keeping of county, township and precinct offices.

By Mr. Speaker—house file 151—to provide funds for the construction of a penitentiary at Bismarck.

CONFERENCE.

Messrs. Rice, Wynn and Phillips were appointed a committee of conference on council bills 17 and 18.

COUNCIL BILLS.

Council bill 72—to provide for the erection of a court house and jail in the county of La Moure had its first reading.

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

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

No. 109—to amend the incorporation act of the village of Valley Springs—counties, towns and cities.

No. 92—providing a charter for the city of Jamestown—counties, towns and cities.

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

No. 81—the act authorizing Yankton county to refund its railroad indebtedness—was passed, Mr. Tychsen being excused and all the rest voting in the affirmative.

No. 82—to provide funds for the erection of a normal school at Spearfish—passed, Messrs. Ellis, Pyatt, Rice, Tychsen, Thompson and Van Woert voting in the negative and all the rest in the affirmative.

No. 71—to provide funds for the completion of the Vermillion university—passed, Mr. Rice alone voting in the negative.

No. 101—to locate and establish the university of north Dakota at Grand Forks—passed, Messrs. Ellis, Rice, Thompson, Tychsen, and Van Woert voting in the negative and all the rest in the affirmative.

No. 102—to provide funds for the establishment of the university of north Dakota—passed, Messrs. Ellis, Rice, Thompson, Tychsen, and Van Woert voting in the negative, Mr. Sterling and Pyatt not voting and all the rest voting in the affirmative.

No. 64—providing \$25,000 for the construction of a west wing for the hospital for the insane—passed, Mr. Tychsen being excused and all the rest voting in the affirmative.

No. 66—making an appropriation for the expenses of conducting the hospital for the insane—passed, Mr. Pyatt being excused and all the rest voting in the affirmative.

No. 70—providing additional compensation for the publication of tax sales—was referred to the committee of the whole.

HOUSE FILES.

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

No. 132—to amend chapter 13 of the code of civil procedure—judiciary.

No. 131—to amend section 15, chapter 39 political code—judiciary.

No. 122—providing for the destruction of Canada thistles and cockle weeds—agriculture.

No. 130—judiciary.

No. 113—to amend section 597 code of civil procedure—judiciary.

No. 120—to require notaries public to fix time of expiration of term of office to their signatures—judiciary.

No. 117—to facilitate the recovery of ore taken by theft or trespass—mines and mining.

No. 142—to locate and endow a school of mines—appropriations.

No. 152—providing funds for a territorial penitentiary at Bismarck—appropriations.

The following house bills had their third reading and were disposed of as indicated:

No. 129—to provide for locating and building a penitentiary for northern Dakota at Bismarck—passed, Messrs. Alfred, Ellis, Pyatt, Thompson and Van Woert voting in the negative, Messrs. McCallister, Rice and Tychsen being excused and all the rest voting in the affirmative.

No. 85—authorizing school districts in Barnes and Cass counties to issue bonds—passed unanimously.

No. 105—to incorporate the city of Minto—passed unanimously.

ORDERED RETURNED.

On motion of Mr. Nowlin the clerk

was instructed to return house file 43 to the governor.

ANNOUNCE.

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

AFTERNOON SESSION.

The house reconvened at two o'clock p. m.

On motion of Mr. Nowlin, the house went back to the order of reports of standing committees.

COMMITTEE REPORTS.

Mr. Wynn, from the committee on appropriations, reported house file 152—appropriating \$60,000 for the construction of a North Dakota penitentiary at Bismarck—with a recommendation that it pass; also house file 142—to establish and endow a school of mines at Rapid City—with a recommendation that it pass.

Mr. Inman moved that the report be adopted and that the two bills, under a suspension of the rules, be given their third reading and placed on their final passage. Adopted.

No. 152 came up for passage and was passed, Messrs. Alfred, Pyatt, Thompson and Tychsen voting in the negative, Mr. Rice being absent, Messrs. Sterling and Van Woert being excused and all the rest voting in the affirmative. The bill passed by a vote of 17 to 4.

No. 142 came up for passage and was passed, Messrs. Ellis, McCallister, Pyatt, Thompson, Tychsen, and Van Woert voting in the negative, Mr. Rice being excused and all the rest voting in the affirmative.

By various motions, the votes by which council bills 83, 64, 71 and 81, and house files 129, 101, 102, 142 and 152 were passed were reconsidered and the motions to reconsider were laid upon the table.

MISCELLANEOUS BUSINESS.

House file 91 came up as the special order. It provides for an increase in certain counties of the number of county commissioners to five.

The bill was passed, Mr. Sterling alone voting in the negative.

House file 134—to locate and endow a normal school at Pembina—had its second reading, under a suspension of the rules, and was referred to the committee on appropriations.

COMMITTEE OF THE WHOLE.

The house, at three p. m., went into committee of the whole on house file 11—to create the county of Raymond.

At 3:10 p. m. the committee rose and reported a recommendation that the bill do not pass.

The report of the committee was adopted.

ADJOURNMENT.

The house, at 3:15 p. m., adjourned to ten o'clock Saturday morning.

Session Notes.

Mr. Bowman, of the Black Hills, gave notice in the house this morning of a bill for the removal of the capital. He has no particular scheme in view, but concluded it was best to put himself in a position to attend to the best interests of his end of the territory in the event of a change.

Mr. Townner's proposed bill for the creation of Nickess county will place it north of the proposed Nelson county and the territory of which it is to be composed will be taken from Walsh and Cavalier counties. His proposed county of Ordway will be made from portions of Pembina and Cavalier counties.

Mr. Nowlin has given notice of a bill to create the county of Schnasse. He proposes to apply this name to the unnamed strip lying west of Bask county and east of Martin county. Mr. Nowlin says that Gustave Schnasse, after whom he proposes to name this county, is a resident of Rapid City, where he has lived since the opening of the Black Hills. He is one of the most public-spirited men in the Hills, and enjoys the universal respect of the people.

The Yankton county funding bill has passed both houses in its original shape, or nearly so, and now goes to the governor for his approval. We are nearing a settlement of our troubles. The governor and our members of the legislature are entitled to the thanks of the people for the interest they have manifested in the matter.

One of the most spirited discussions of the session occurred in the council committee of the whole this morning. The question under consideration was the adoption of the report of the committee on appropriations, amending the bills appropriating money for and locating a penitentiary at Fargo. Mr. Nickess announced that a caucus of north Dakota members had been held, at which all members were present except the member from Cass, and that it had been then and there decided, that if north Dakota had a penitentiary, that it be located at Bismarck. He asked the members from south Dakota to stand by the northern members in that decision, as a matter of justice, fairness and right, and asked that the bill be not further considered until the Bismarck penitentiary bill arrived from the house. Mr. Roberts jumped to his feet and insisted that the north Dakota caucus was informal and that no definite conclusion had there been arrived at. He then made a forcible plea for the immediate consideration of his bill and championed the right of Fargo to ask for and expect such an institution. Mr. Nickess in reply intimated that Fargo had always reached out for everything in sight, and whether or not any other north Dakota city secured a public institution, he believed that Bismarck was entitled to and should receive the north Dakota penitentiary. Charges and counter charges were then made thick and fast between the member from Cass and the member from State-

man county, in which street railroads, land offices, &c., figured prominently. At the conclusion of the discussion, Mr. Nickess moved that the two bills be made the special order for Thursday next, at 2 p. m. A vote being taken the motion prevailed—six to five, McManby absent and not voting.

The council bill introduced by Mr.

Ziebach for changing the boundaries of certain counties in his district and for the creation of the county of Wagner provided: That the line between townships 95 and 96 shall be the northern boundary of Bon Homme county, that Yankton county shall by its eastern boundary and that the Missouri river shall be the western and southern boundary of Bon Homme county; that Douglas county shall be bounded on the south by the line between townships 95 and 96, on the north by the line between townships 100 and 101, on the east by the line between ranges 61 and 62, on the west by the line between ranges 65 and 67; that Charles Mix county shall be composed of what is left of the present Charles Mix county, after Douglas and Bon Homme counties have been extended as provided; that the south line of Hutchinson county be moved one tier of townships north; that the county of Wagner shall consist of what is now the south tier of townships in Hutchinson county and the north tier of townships in Bon Homme county.

The various council appropriation bills for charitable and penal institutions went through the house this morning with a rush and by a large majority. They now go to the governor for his approval.