



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fortieth Day.

Council.

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.

RESOLUTION.

The following resolution was offered:
Resolved, That the territorial treasurer be instructed to furnish the council with a statement of delinquent taxes of the various counties due the territorial treasury during the past five years; also an approximate statement of the revenue of the territory for the next two years.

Mr. Burdick moved the resolution be adopted. Carried.

INTRODUCTION OF BILLS.

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

By Mr. McIntosh—No. 128—to incorporate the city of Chamberlain.

By Mr. McIntosh—No. 129—to create the county of Florence.

By Mr. Walsh—No. 130—to change the name of certain towns.

SECOND READING OF COUNCIL BILLS.

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

No. 119—to establish a board of health and examiners and to regulate the practice of medicine—education.

No. 123—to authorize the county commissioners to redistrict Grand Forks county—counties.

No. 124—to legalize the action of the board of county commissioners of Grand Forks county in issuing \$10,000 of jail bonds—counties.

No. 126—Authorizing school district No. 1, Aurora county, and school district No. 12, Davison county, to issue bonds for furnishing school houses and paying debts—incorporations.

PASSAGE OF BILLS.

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

No. 29—to legalize the election of township officers in certain cases—passed, all voting in the affirmative.

No. 91—to provide bounties for killing wolves, foxes, gophers and squirrels—passed, all voting in the affirmative except Messrs. Walsh, Nickens and Ziebach, who voted in the negative.

No. 98—to incorporate the city of Mitchell—passed, all voting in the affirmative.

No. 99—to amend section 667, of the civil code, relating to actions on leases—passed, all voting in the affirmative.

No. 107—to create the counties of Richmond, Edgerton and Inman and defining the boundaries of Brown county. Mr. Dewey moved that it be amended by substituting the word McAuley for Richmond wherever the latter occurs in the bill. Carried. The bill then passed by a unanimous vote.

No. 111—to legalize the incorporation of Casselton and the action of its board of trustees. Passed by an unanimous vote.

No. 115—to amend section 2, chapter 41, of the session laws of 1877, relative to the trapping of game in certain cases—passed, all voting in affirmative except Messrs. Walsh and Ziebach who voted nay.

No. 116—regulating the foreclosure of mortgages upon real estate by advertisement and providing for perpetuating evidence of the same—passed, all voting in the affirmative except Mr. Walsh, who voted nay.

HOUSE FILES.

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

No. 85—authorizing joint school districts 33 of Cass and Barnes counties to issue bonds for building and furnishing school houses and funding its indebtedness—appropriations.

No. 102—to regulate challenging of jurors in criminal cases—judiciary.

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

No. 105—to incorporate the city of Minto, Walsh county—incorporations.

No. 129—to provide for building and government of a penitentiary at Bismarck—appropriations.

No. 138—to amend section 3 of an act to regulate applications for pardons—judiciary.

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

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

HOUSE MESSAGE.

A message was received from the house announcing the passage of the following resolution:

Resolved, That the house of representatives, the council concurring, authorize the clerk to make all necessary arrangements for the printing of house files not included in those now authorized to be printed, and that the expense incurred in printing said additional bills be paid out of the territorial treasury upon a properly certified account.

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. 50—to amend section 3, chapter 21 to the political code, relative to the appointment of county officers by commissioners in certain cases—lost, all voting in the negative except Mr. President.

No. 61—to amend section 31, of chapter 3 of the civil code, regarding making motions in civil actions, was lost—
all voting in the negative except Messrs. McAuley, Walsh, Ziebach and

was lost, all voting in the negative except Messrs. Walsh and Ziebach, who voted in the affirmative.

No. 87—to amend section 1743 of the civil code relative to the foreclosure of mortgages by foreclosure—passed, all voting in the affirmative.

COMMITTEE REPORTS.

The committee on printing, through Mr. Washabough, reported that it had conferred with the secretary of the territory relative to the printing of special bills, and he had informed them that he would continue to have printed all bills of a public and private character, except long incorporation acts, the printing of a large number of which was not authorized by and would not be paid for by the government, and that the incorporation acts being principally for city charters and of moment only to those introducing them, the committee did not recommend any appropriation from the territorial treasury for this character of printing.

Mr. Walsh moved the report be adopted. Carried.

Mr. Dewey moved the resolution referred to above in house message be amended to include council bills and be read a second time and referred to the appropriation committee—Carried.

The resolution was so read and referred to the committee on public printing.

COMMITTEE OF THE WHOLE.

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

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

That council bill 97—providing for the erection and construction of a courthouse and jail for Hughes county—do pass.

That council bill 55—amendatory of the act establishing independent school district number 1, Grand Forks county, Dakota—be amended, and that the bill do pass as amended.

That council bill 25—to prohibit the importation of Texas and Cherokee cattle—do pass.

That house file 96—to establish independent school district number 1, Turner county—do pass.

That house file 71—to incorporate the city of Lisbon—do pass.

The report of the committee was adopted.

A CONSTITUTIONAL CONVENTION.

Mr. Washabough introduced the following resolution:

Resolved, That a committee of three members of the council be appointed by the chair whose duty it shall be to prepare and report a bill forthwith providing for a constitutional convention for that part of Dakota territory south of the 46 parallel of latitude, and for the necessary measures to carry the same into effect.

The resolution was adopted.

Mr. Washabough moved that President Scooby be made chairman of the foregoing committee. Carried.

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 the members in their seats excepting Messrs. Benson and Inman.

Journal read and approved.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of the following bills:

Council bill No. 50—authorizing the supervisors of different townships to issue bonds for ditching and draining.

Council bill No. 54—to regulate marriage and provide for recording marriage certificates.

Council bill No. 93—to create a board of education for Jamestown.

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 grow.

House file No. 93—to authorize the erection of a bridge at Walthalla, Pembina county, and the issue of bonds therefor.

House file No. 79—to protect the passage of fish in the Goose river.

House file No. 55—to authorize the county of Barnes to issue bonds for refunding its outstanding indebtedness.

REPORTS OF COMMITTEES.

Mr. Bowman, from the committee on mines and mining, reported house file 54—to regulate the revenue and collection thereof—with a recommendation that it do not pass; also, house file 109—to provide for the drainage of mines, &c.—with amendments and a recommendation that it pass; also, house file 117—to facilitate the recovery of ore taken by theft or trespass, &c.—with amendments and a recommendation that it pass.

Mr. Ellis, from the committee on agriculture, reported house file 119—to punish persons permitting Canada thistles and cockle burrs to grow on their premises—with a recommendation that it do not pass; also house file 122—providing for the destruction of Canada thistles and cockle burrs—with a recommendation that it do not pass.

Mr. Nelson, from the committee on counties, towns and cities, reported house file 78—to incorporate the city of Larimore—with amendments and a recommendation that it pass; also council bill 109—to amend the incorporation act of the village of Valley Springs—with a recommendation that it pass; also house file 126—to repeal section one, chapter 29—with a recommendation that it be referred to the judiciary committee; also house file 110—to establish the county of Fall River—with a recommendation that it pass.

RESOLUTIONS.

Mr. Nowlin introduced a joint resolution instructing the clerk to arrange for the printing of bills for which the general government will not pay. Adopted.

Also a resolution requesting the terri-

BILLS SIGNED.

The speaker announced that he had signed house files 65, 66 and 72.

NOTICES OF BILLS.

By Mr. Sterling—to amend action 63, chapter 29 of the political code.

BILLS INTRODUCED.

By Mr. Phillips—house file 153—to preserve the waters of the James river and its tributaries for domestic and drinking purposes.

By Mr. Pyatt—house file 154—to authorize the commissioners of Richland county to use a part of the sinking fund for bridge purposes.

By Mr. Nowlin—house file 155—to create the county of Schnase.

By Mr. Sterling—house file 156—to repeal chapter 19, of the laws of 1879—an act prescribing fees for the secretary of the territory.

By Mr. Wagner—house file 157—to authorize the county of Bon Homme to issue bonds to fund outstanding indebtedness.

COUNCIL BILLS.

Council bills 114, 93, 84 and 50, had their first reading. The titles of these bills are given in the foregoing council message.

Council bill No. 72—providing for the erection of a court house in the county of La Moure—had its second reading and was referred to the committee on counties, townships and cities.

Council bill 109 (see foregoing committee report) had its third reading and was passed by unanimous vote.

HOUSE FILES.

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

No. 128—to incorporate the city of Valley City; No. 124—to incorporate the city of Rapid city; No. 112—to incorporate the town of Portland; No. 137—to incorporate the village of Mandan; No. 116—to incorporate the city of Aberdeen; No. 136—to incorporate the city of Steele; No. 106—to incorporate the city of Hillboro—all referred to the committee on counties, towns and cities.

No. 149—to regulate the keeping of county, township and precinct offices—territorial affairs.

No. 151—to amend subdivision six, of section six, chapter 84, laws of the fourteenth session—judiciary.

No. 141—to amend article 16 of the justice code—judiciary.

No. 143—to vacate a portion of the townsite of Running Water, Bon Homme county—judiciary.

No. 145—to authorize school district six, McCook county, to issue bonds—judiciary.

No. 147—to amend chapter 46 of the laws of 1879—judiciary.

No. 114—to protect farmers from damage by fires caused by railroads—judiciary.

No. 133—to incorporate the city of Huron—counties, towns and cities.

No. 144—granting to John Garland and R. R. Davis the right to establish and maintain a ferry across the Missouri river in township 124, range 80—judiciary.

No. 139—to amend section one, chapter 37, laws of 1881—relating to service of summons—judiciary.

No. 140—to amend section 45 of the justice code—judiciary.

No. 134—to locate and endow a normal school at Pembina—appropriations.

No. 115—to incorporate the city of Pierre—counties, towns and cities.

The following house bills had their third reading and were disposed of as indicated. The character of these measures is given in the foregoing committee reports:

Nos. 110, 78, 117 and 109 were passed by unanimous vote.

No. 125 was referred to the judiciary committee.

No. 122 was lost, Messrs. Harvey, Phillips and Sterling voting in the affirmative, and all the rest present voting in the negative.

No. 119 was lost, Messrs. Harvey, Nowlin, Phillips, Robinson and Sterling voting in the affirmative, and all the rest present in the negative.

No. 54—providing for the taxation of the product of mines and for the appointment of a commission to control the sales and charters of mines—came up for its passage under an adverse report from the committee on mines and mining.

Mr. Rinehart made a vigorous and effective speech against the bill.

Mr. Rice moved as an amendment to the bill that the proposed commissioners be granted the right to confiscate any mine and appropriate it to their own uses whenever their financial condition was such as to require pecuniary reinforcements.

The bill then came up on its final passage and was defeated, Mr. Ellis and Mr. Speaker being excused, Mr. Van Woert not voting, and all the rest present (twenty) voting in the negative.

ADJOURNMENT.

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

Session Notes.

House file 54, providing for the taxation of mines on their products and for the appointment of a mining commission armed with unusual powers, which has been slumbering in committee for some time past, was resurrected this morning and given its quietus. Mr. Rinehart, of the Black Hills, led the opposition to the measure. Mr. Benson, who introduced the bill, was absent and it had no champion during the last moments of its existence.

The bill which Mr. Phillips proposes to introduce in the house next Monday, relative to railroad taxation, will provide for a tax of four per cent on the gross earnings of a railroad line during the first five years of its operation and a tax of five per cent thereafter. The present law requires a tax of two per cent the first five years and three per cent thereafter. Mr. Phillips will endeavor to increase the rate of taxation two per cent.

Mr. Washabough has introduced

tional convention for southern Dakota. It is the desire of many people that the legislature make a move in this direction, so as to provide for any contingency which may arise.