



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Second Day.

Council.

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

Prayer by the chaplain.

Roll call showed all members in their seats.

Journal read and approved.

NOTICES OF BILLS.

By Mr. McIntosh—to provide for the establishment of a reform school for juveniles at Plankinton.

INTRODUCTION OF BILLS.

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

By Mr. Ziebach—No. 131—to reimburse Martin & Anderson for losses incurred in furnishing the iron work for the Dakota penitentiary at Sioux Falls.

By Mr. Burdick—No. 132—to amend the act incorporating the city of Vermillion.

By Mr. Burdick—No. 133—to amend section 67, chapter 28 of the political code, relative to county treasurers furnishing certificate of sale to purchasers of property sold for taxes.

By Mr. Jackson—No. 134—to establish the Dakota school for deaf mutes at Sioux Falls.

By Mr. Jerauld, No. 135—to create the office of attorney general and provide for his appointment.

By Mr. McAuley, No. 136—to amend sec. 23 of chap. 39, of political code, regulating the compensation of assessors.

By Mr. McAuley, No. 137—to make Fred Cliff the heir-at-law of Mattie E. Granstet and change his name to Fred Cliff Granstet.

By Mr. McAuley, No. 138—to authorize school district No. 1, of Clark county to issue bonds for the erection of a school house.

By Mr. Walsh, No. 139—to amend sec. 18 of chap. 2 of the political code, increasing the compensation of the chief clerk.

By Mr. Washabaugh, No. 140—to compel the sheriff and other officers to make returns in certain cases.

By Mr. Dewey, No. 141—to protect school lands and improvements thereon from injury and despoliation.

By Mr. Dewey, No. 142—to authorize the treasurer of Yankton county to purchase all outstanding bonds against the county other than the railroad bonds.

By Mr. Nickens, No. 143—to authorize the establishment of an asylum for the insane at Jamestown.

By Mr. Nickens, No. 144—to provide funds for the establishment of the insane asylum at Jamestown.

SECOND READING OF COUNCIL BILLS.

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

No. 122—providing for the drainage and reclaiming of lands—territorial affairs.

No. 125—legalizing the assessment of the city of Grand Forks—counties, townships and cities.

No. 129—to incorporate the city of Brookings—incorporations.

No. 129—to create the county of Florence—counties, townships and cities.

No. 130—to change the name of certain towns—counties, townships and cities.

PASSAGE OF COUNCIL BILLS.

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

No. 25—to prohibit the importation of Texas and Cherokee cattle—passed, all voting in the affirmative except Messrs. Burdick, Washabaugh and Ziebach, who voted in the negative and Walsh, not voting.

No. 39—substitute for the bill creating office of district attorney for the several counties.

Mr. Washabaugh moved that it be referred back and given three readings. Carried.

No. 55—amending the act establishing school district No. 1 of Grand Forks county. Passed all voting in the affirmative.

No. 97—to provide for the erection of a court house and jail for Hughes county. Passed all voting in the affirmative except Mr. Nickens, not voting.

HOUSE FILES.

House files No. 78—incorporating the city of Larimore, No. 91—to increase the number of county commissioners to five for each county, No. 109 to provide for the drainage of mines, No. 110—to establish the county of Fall river and No. 117—to facilitate the recovery of ore taken by theft or trespass and to regulate the sale and disposition of the same—were read a first time.

HOUSE FILE PASSED.

House file No. 71—to incorporate the city of Lisbon—was read a third time and was passed as amended by the committee on incorporations, all voting in the affirmative except Mr. Nickens not voting.

YANKTON'S CHARTER.

On the request of Mr. Dewey, the council reverted to the order of business and second reading of council bills and council bill No. 108—amending the city charter of Yankton—was read a second time and referred to the committee on incorporations.

RECESS.

At 11 s. m. the council took a recess of fifteen minutes.

COMMITTEE OF THE WHOLE.

Upon being called to order the council went into a committee of the whole, with Mr. Jackson in the chair, for the consideration of committee reports. When it arose it reported, through its chairman, with recommendations as follows:

That the substitute bill for house file 73, to amend section 400 of the civil code entitled corporations, do pass.

That substitute council bill 39, to create the office of district attorney, be amended and recommitted to the committee of the whole.

That house file 97—to authorize the county commissioners of Pennington and Custer counties to fund the outstanding indebtedness, be amended and that the bill as amended do pass.

That council bill 136—to authorize school district 1, Agrors county, and school district 12 of Davison county, to issue bonds do pass.

That house file 105, to incorporate the village of Minto, Walsh county, do pass.

On motion the report of the committee 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. Tyobsen, who was excused.

The journal was read and approved.

COMMITTEE REPORTS.

Mr. Pyatt, from the committee on highways, roads and bridges, reported house file 108—to grant the right to establish and maintain a ferry across the Missouri river in township 121, range 38, Walworth county—with a recommendation that it do not pass, as it is opposed to the organic act.

Mr. Sterling, from the committee on judiciary, reported house files 90, 123, 139, 140 and 144 with a recommendation that they do not pass; also house file 147 with a majority report recommending its passage; also house file 133 with a recommendation that it be referred to the committee on territorial affairs; also council bills 145, 127, 125, 132 and 113 with a recommendation that they pass; also council bill 141 and house file 135 with amendments and a recommendation that they pass.

Mr. Lamb, from the committee on enrolled bills, reported house files 30 and 82 correctly enrolled.

Mr. Nelson, from the committee on counties, towns and cities, reported house files 116 and 124 with a recommendation that they pass.

NOTICES OF BILLS.

By Mr. Rice—to amend paragraph five, section 353, code of criminal procedure.

By Mr. Wagner—to define the boundaries of Douglas county and for other purposes.

By Mr. Rinehart—to amend an act entitled an act for the appointment of fire warden in the town of Deadwood, so as to make it apply to the town of Lead City.

By Mr. Phillips—to regulate the closing of flood gates on the James river.

By Mr. Lamb—to amend section thirty-six, chapter twenty-seven, of the political code.

By Mr. Nelson—to create the county of Turner.

By Mr. Nelson—to create the county of Harvey.

BILLS INTRODUCED.

By Mr. Sterling—house file 158—to amend section 23, chapter 32, of the political code.

By Mr. Towner—house file 159—to create the county of Benson and to define the boundaries of Ramsey and De Smet counties.

By Mr. Towner—house file 160—to authorize the commissioners of Traill county to appropriate money to purchase a poor farm and erect an asylum.

By Mr. Towner—house file 161—to create the county of Nickens.

By Mr. Towner—house file 162—to locate a normal school at Larimore.

By Mr. Lamb—house file 163—to locate the Dakota deaf and dumb asylum.

By Mr. Ellis—house file 164—to authorize Union county to issue bonds to fund its outstanding indebtedness.

By Mr. Nelson—house file 166—to create the county of Harvey.

By Mr. Nelson—house file 167—to create the county of Towner and define the boundaries of the counties of Rolette and Cavalier.

COUNCIL BILLS.

Council bill 107—to create the counties of McCauley, Edgerton and Inman and defining the boundaries of Brown county, had its first reading.

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

No. 93—to create a board of education at Jamestown—education.

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

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

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—judiciary.

On motion of Mr. Rinehart, the order of third reading of council bills was passed.

HOUSE FILES.

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

No. 135—to establish a territorial normal school at Minto—education.

No. 146—to construct a court house and jail in Griggs county and No. 148—to construct a court house and jail in Brule county—committee on counties, towns and cities.

No. 150—to legalize the acts of the president and trustees of the village of Howard and to authorize the issue of bonds—judiciary.

No. 153—to preserve the waters of the James river and its tributaries for domestic and drinking purposes—judiciary.

No. 154—to authorize the commissioners of Richland county to use a part of the sinking fund for bridge purposes—judiciary.

No. 155—to create the county of Schnasse—counties, towns and cities.

No. 156—to repeal chapter 19, of the laws of 1879—an act prescribing fees for the secretary of the territory—judiciary.

No. 157—to authorize the county of Bon Homme to issue bonds to fund out-

standing individuals—counties, towns and cities.

The following house files had their third reading and were disposed of as follows:

No. 124—to incorporate the city of Rapid City—passed unanimously.

No. 116—to incorporate the city of Aberdeen—passed unanimously.

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

No. 101—to provide for the registration of births and deaths—passed unanimously.

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

No. 141—to amend article 16, justice code—lost, Mr. Robinson alone voting in the affirmative.

No. 140—to amend section 45, justice code—lost, Messrs. Nowlin, Robinson and Towner voting in the affirmative and all the rest present in the negative.

No. 139—to amend section 1, chapter 37, justice code—lost, Messrs. Nowlin, Robinson, Towner, Wynn and Wynn voting in the affirmative and all the rest present in the negative.

No. 123—to amend article 13 of the justice code—lost, Mr. Robinson alone voting in the affirmative.

No. 92—to regulate the cross-examination of defendants in criminal cases—lost, Messrs. Choteau, Inman, Lamb, Robinson and Towner voting in the affirmative and all the rest present in the negative.

No. 113—to amend section 597 of the code of civil procedure—passed unanimously.

No. 132—to amend chapter 13 of the code of civil procedure—reducing exemptions—referred to the committee of the whole.

No. 125—for the protection of the hides of neat cattle—passed unanimously.

No. 127—to amend section 197, article four, code of civil procedure—passed unanimously.

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

No. 130—to amend section two, chapter 35, political code—referred to the committee on territorial affairs. It gives county commissioners authority to refuse to grant liquor licenses.

No. 147—to amend chapter 46 of the laws of 1879—made a special order for to-morrow. It provides that railroad property shall be assessed the same as the property of individuals.

No. 108—granting the right to maintain a ferry across the Missouri in Walworth county—lost unanimously.

COUNCIL MESSAGE.

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

Council bill 29—to legalize the election of township officers.

Council bill 91—to provide bounties for the killing of foxes, wolves, gophers, &c.

Council bill 99—to amend section 667, of the code of civil procedure.

Council bill 111—to legalize the incorporation of Casselton.

Council bill 115—to amend section 2 of chapter 41 of the session laws of 1877.

Council bill 116—regulating the foreclosure of mortgages by advertisement.

Council bill 98—to incorporate the city of Mitchell.

That the council had refused to pass—

House file 50—to amend section 3 chapter 21; of the political code.

House file 75—to authorize arrest and bail.

House file 161—to amend section 31, chapter 3 of the code of civil procedure.

That the council had passed with amendments house file 87—to amend section 1,743 of the civil code.

BILL REFERRED.

House file 45, creating the county of Steele, under a suspension of the rules, was reported by substitute and a recommendation that the substitute pass.

COMMITTEE OF THE WHOLE.

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

At 11:20 a. m. the committee rose and reported that it had considered council bill 70—an act increasing the rates for advertising tax rates—and that the committee recommended that the bill be referred back to the committee on territorial affairs.

The report was adopted.

On motion of Mr. Thompson, the house again resolved itself into committee of the whole, Mr. Thompson in the chair.

At 11:40 a. m. the committee rose and reported that it had considered house file 132—to reduce the exemption of personal property—and that it recommended the passage of the bill.

In committee of the whole speeches were made against the bill by Mr. Rice and Mr. Speaker and for the bill by Messrs. Bowman and McCallister.

The report of the committee of the whole was adopted.

The bill then went to its third reading and final passage and was passed by the following vote:

Ayes—Messrs. Bowman, Choteau, Harvey, McCallister, Nelson, Nowlin, Pyatt, Rinehart, Sterling, Towner, Van Woert and Wynn—12.

Nays—Messrs. Alfred, Benson, Ellis, Inman, Lamb, Phillips, Rice, Robinson, Thompson, Wagner and Mr. Speaker—11.

Absent and not voting—Mr. Tyehsen—1.

Mr. Rinehart moved that the vote by which the bill was passed be reconsidered and the motion to reconsider lie on the table. Lost.

BILLS SIGNED.

The speaker announced that he had signed council bills 33, 41, 57, 61, 79, 80 and 82 and house files 82 and 80.

MOTIONS.

Mr. Nelson gave notice of a motion to reconsider the vote by which house file 132 had passed.

On motion of Mr. Pyatt, council bill 107 was read by its title and referred to

the committee on counties, towns and cities.

ADJOURNMENT.

The house, at noon, adjourned to ten o'clock Tuesday morning.

Session Notes.

There was an exciting controversy in the house this morning over Mr. McCallister's house bill modifying the law providing for exemption of property from seizure for debt. The bill was finally passed by a bare majority—12 to 11—and had Mr. Tyehsen been present it is supposed it would have been lost on a tie vote. Mr. McCallister's bill reduces the personal property exemption from \$1,500 to \$500 and repeals the section providing for the specified alternative exemptions. The section repealed by this act permits the debtor to select, in lieu of other exemptions allowed, \$500 worth of books and musical instruments and \$500 worth of household and kitchen furniture. The bill also provides that the modification shall not apply to debts contracted prior to the approval of the proposed law.

The bill introduced by Mr. Nelson, creating the county of Harvey, provides that it shall include three tiers of townships from the western part of Pembina county, exclusive of the southern row, and one tier from the eastern part of Cavalier county. The only town within the proposed county is Walhalla, located on the eastern verge of the county which is principally populated by Chippewa breeds. The bill to establish the county of Nickens takes in three of the western tiers of townships from Walsh county, the three southwestern townships of Pembina county, adjoining Walsh, and a column from the eastern part of Ramsey and Cavalier counties of a length corresponding with the length of the balance of the county. It will be composed of twenty townships. This division is not in the direct interest of any place as county seat. The Nelson county bill has been amended to include four more townships of Foster and Ramsey counties, so that the western boundary of the county is about five miles from Devil's lake. Towner county, a bill for which was introduced by Mr. Nelson this morning, will comprise two tiers of townships from the western part of Cavalier and three from the eastern part of Bolette. This includes the cream of the famous Turtle Mountain country. There is no town proposed or projected within its boundaries as yet, the only inhabitants being breeds and a few squaw men, many of whom have good farms. Benson county is created around the proposed western metropolis of Devil's Lake—the city of Benson. It takes in one column of townships from western Ramsey and three from eastern DeSmet.

There has been before the house for a week or two past a bill authorizing an increase in the price for advertising delinquent tax sales. During the years of the past the legal price for this class of advertising has been so ridiculously small that publishers generally would have refused to give them place but for the fact that such action would have prevented

the sale of the property of delinquents and would in effect have seriously impeded the collection of taxes. Under existing rates the publisher hardly receives the cost of composition for tax lists and is compelled to give his space free. Many Dakota publishers have expressed an intention to refuse to give place to tax lists in their papers unless they can receive something like adequate payment therefor. Mr. Rice made a long speech in the house to-day in opposition to the bill and wound up his remarks with the statement that he didn't know anything about the cost of such work, but supposed the recompense to be sufficient because publishers had continued to give place to tax lists under the present legal price. They have, it is true, suffered themselves to be imposed upon by a law made by men who probably knew no more about the printing business than the gentleman quoted, but they have done it only for the reason stated—to assist the authorities in avoiding trouble over the enforcement of the tax law.

Another railroad tax bill will come up in the house to-morrow as the special order—a bill introduced by Mr. Thompson, of Minnehaha county. It provides that railroad corporations shall be assessed for taxes the same as private individuals. It is similar in effect to other proposed measures on this subject and will probably meet the same fate.