



## DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Third Day.

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.

#### MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of house file No. 101 to provide for the registration of births and deaths, No. 116 to incorporate the city of Aberdeen, No. 113 to amend section 597 of the civil code, No. 124 to incorporate the city of Rapid City, No. 125 to protect hides of neat cattle, No. 127 to amend section 197, article 4 of the civil code No. 131, to amend section 15 of chapter 39 of the political code; No. 154, to authorize school district 8 of McCook county to issue bonds to erect a school house.

#### THE BISMARCK PENITENTIARY BILL.

Mr. Bardick introduced the following resolution:

*Resolved*, That the committee on appropriations be discharged from further consideration of house bill No. 129 (the Bismarck penitentiary bill) and that the chairman be instructed to report the same back to the council without recommendation.

Mr. Nickens moved the resolution be adopted.

Mr. Dewey offered the following amendment:

*Resolved*, That the committee on appropriations be and they are hereby instructed to report to the council for its action on call of reports from committees on Wednesday next, house file 129 and that said bill be made the special order for Thursday at 2 o'clock p. m.

Mr. Nickens moved that the amendment be amended by the insertion of the word "one" in the place of "two".

Upon the ayes and nays being called the amendment was lost, all the members voting in the negative except Messrs. Bardick, McIntosh, McAuley, Nickens and Walsh, who voted in the affirmative.

Mr. Ziebach moved to amend by the insertion of the word "three" in the place of "two." The motion was lost.

Mr. Nickens moved to lay the amendment as amended on the table. Lost.

The resolution as amended was then passed.

#### INTRODUCTION OF BILLS.

The following bills were introduced and given their first reading:

By Mr. Jerauld, No. 145—a joint resolution providing for the appointment of a tax commission and to define their powers.

By Mr. Washabaugh, No. 146—to reenact chapter 100 of the session laws of 1881, establishing a territorial normal school at Spearfish.

Mr. Washabaugh moved the rules be suspended and the bill be given its three several readings and be put on its final passage. Carried. It was so read and passed, all voting in the affirmative, except Mr. Walsh not voting.

By Mr. Jerauld—No. 147—to incorporate the city of Canton.

By Mr. Jerauld—No. 148—to amend chapter 28 of the political code—relative to the taxation of debts due from solvent debtors.

#### SECOND READING OF COUNCIL BILLS.

The following council bills were then given a second reading and referred to committees as indicated:

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

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—judiciary.

No. 136—to amend section 23 of chapter 39 of the political code—regulating the compensation of assessors—judiciary.

No. 137—to make Fred Cliff the heir-at-law of Mattie E. Granstet and change his name to Fred Cliff Graustet—judiciary.

No. 138—To authorize school district No. 1, of Clark county to issue bonds for the erection of a school house—engrossed and enrolled bills.

No. 139—to amend section 13 of chapter two of the political code—appropriations.

No. 140—to compel the sheriff and other officers to make returns in certain cases—judiciary.

No. 143—to authorize the establishment of an asylum for the insane at Jamestown—

Mr. Nickens moved that bill 143 be referred to the committee on charitable and penal institutions—carried.

The bill was so referred.

#### PASSAGE OF BILLS.

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

Council bill 136—to authorize school district 1, Aurora county, and school district 12 of Davison county, to issue bonds. Passed, all voting in the affirmative.

#### HOUSE FILES.

The following house files, referred to in the house message were given their first readings: Nos. 101, 113, 116, 124, 125, 127, 131, 145.

#### SECOND READING OF HOUSE FILES.

The following house files were read a second time and referred to committees as indicated:

No. 78—to incorporate the city of Larimore.

Mr. Walsh moved that the rules be suspended and that the above bill be given its third reading and be put on its final passage. Carried.

The house file was so read a third time and passed, all voting in the affirmative.

#### MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had approved

signed and delivered to the secretary of the territory council bill 56—to amend section 47 of the civil code.

#### SECOND READING OF HOUSE FILES.

House file No. 16—to incorporate the city of Aberdeen—was put on its second reading.

Mr. McAuley moved the rules be suspended and that it be given a third reading and be put on its final passage. Carried. The bill was so read and passed, all voting in the affirmative.

The second reading of house files was resumed:

No. 91—to increase the number of county commissioners to five for each county—counties, townships and cities.

No. 109—to provide for the drainage of mines—mines and minerals.

No. 116—to establish the county of Fall River—counties.

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

#### PASSAGE OF HOUSE FILES.

The following house files were read a third time and on being put on their final passage were disposed of as indicated:

No. 97—authorizing the county commissioners of Pennington and Custer counties to issue bonds to refund outstanding indebtedness—passed, all voting in the affirmative, except Mr. Bardick who voted in the negative.

No. 105—to incorporate the village of Minto—passed, all voting in the affirmative.

#### ENGROSSED AND ENROLLED BILLS.

Mr. McAuley, from the committee on engrossed and enrolled bills, reported that council bill 82, to amend section 718, of the penal code; No. 80—to authorize school district, No. 1, of Kidder county, to issue bonds; No. 77—to provide for the erection of a court house and jail for Kidder county; No. 57—to authorize issuing bonds for the outstanding indebtedness of Davison county; No. 41—relating to the exemption of purchase money in certain cases—No. 35 to give husband and wife power to sell property in certain cases—No. 6) to amend section 1 of chapter 36 of the laws of 1881, had been delivered to the governor.

#### COMMITTEE OF THE WHOLE.

The council then went into committee of the whole for the consideration of reports with Mr. Ziebach in the chair—when it arose it reported progress and asked leave to sit again at 2 p. m.

#### PASSAGE OF BILLS.

Under suspension of the rules house files 70 to authorize school district No. 1 county of Clark to issue bonds to build a school house, and council bill 127, to incorporate the city of Brookings were put upon their final passage and were both passed.

The council then took a recess until 2 p. m.

#### AFTERNOON SESSION.

The council convened at two o'clock p. m.

Mr. Jackson, by unanimous consent introduced council bill 149—entitled a bill for an act to amend section 1038, section 3, title 4, in part 4, of division 3 of the civil code, entitled loan of money. The bill reduces the per cent from 12 to 10.

Council bill 53—entitled a bill for an act to regulate the weighing and grading of wheat, and for other purposes—being the special order, was taken up, read at length, amended and passed. Ayes, 6; nays, 4.

On motion the council reverted to the third reading of council bills, and council bill 94, legalizing the action of the city council of Grand Forks in contracting for water works in said city, was placed on its final passage and was passed. Ayes 10, nays 0.

The council then went into

#### COMMITTEE OF THE WHOLE.

Mr. Ziebach in the chair.

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

That council bill 106—to amend sections 73, 74 and 75, of chapter 28 of the political code—be recommitted to the committee on elections.

That house file 138—to amend section four of an act to entitled an act to regulate applications for pardons—do pass.

That house file 85—to authorize joint school district 33, of Cass and Barnes counties, to issue bonds for the purpose of building and furnishing a school house and to fund its present indebtedness—do pass.

That house file 63—to authorize the village board of Madison to issue bonds for the purpose of paying for normal school land, be amended and that the bill do pass as amended.

That council bill 63—for the relief of W. S. Goodwin and Truman L. Pratt, contractors of the insane asylum do pass as amended by the committee, allowing \$2,000.

That the concurrent resolution relative to the printing of certain bills do pass as amended.

That council bill 103—to empower school district number 28 Spink county to issue bonds to build a school house do pass.

That council bill 39—to create the office of district attorney for the several counties do pass as amended.

#### 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. Tyehsen, 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 the following council bills:

No. 25—to prohibit the importation of Texas and Cherokee cattle.

No. 55—amending the act establishing school district No. 1 of Grand Forks county.

No. 97—to provide for the erection of a court house and jail for Hughes county.

No. 69—providing for the taxation of telephone companies.  
Also that the council returned house file 71—to incorporate the city of Lisbon; also house file 73—to amend section 400 of the civil code—by substitute and asking the concurrence of the house in the substitute.

#### NOTICES OF BILLS.

By Mr. Thompson—to amend section 41, chapter 23, laws of 1879.

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

By Mr. Nowlin—to limit the liability of irrigating and ditching companies.

By Mr. Wagner—to appoint a fish commissioner.

#### BILLS INTRODUCED.

By Mr. Bowman—House file 167—for the protection of game.

By Mr. Rinehart—House file 168—to extend the provisions of chapter 64 of the laws of the thirteenth session of the legislative assembly, to the town of Lead City.

By Mr. Rice—house file 169—to amend paragraph five of section 340, code of criminal procedure.

By Mr. Phillips—house file 170—to regulate the closing of flood gates on the James river.

By Mr. Phillips—house file 171—to amend the act amendatory to section 10, chapter 27, political code—relating to elections.

#### COUNCIL MESSAGE CONSIDERED.

The council having returned house file 87 with amendments, the house concurred therein; also house file 71, was concurred in; also house file 73—substitute passed by council. Substitute referred to judiciary committee.

#### COUNCIL BILLS.

The following council bills had their first reading:

No. 25—to prohibit the importation of Texas and Cherokee cattle.

No. 97—to provide for the erection of a court house and jail in Hughes county.

No. 55—amending a Grand Forks school district act.

No. 60—providing for the payment of taxes by telephone companies and giving them highway privileges.

No. 116—relating to foreclosure of mortgages by advertisement.

No. 115—to amend section two, chapter 41, laws of 1877.

No. 111—to legalize the acts of the trustees of the town of Castleton.

No. 99—to amend section 667, code of civil procedure.

No. 91—to provide bounties for the killing of foxes, wolves gophers, &c.

No. 29—to legalize the election of township officers.

No. 98—to incorporate the city of Mitchell.

The following council bills, being favorably reported from committees, had their third reading and were passed by unanimous vote:

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

No. 75—making an appropriation of \$76,635 for the current and contingent expenses of the Sioux Falls penitentiary.

#### HOUSE BILLS.

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

No. 162—establishing a normal school at Larimore—appropriations.

No. 163—to locate and provide for a territorial deaf and dumb institution at Watertown—appropriations.

No. 164—to authorize Union county to issue bonds to refund its outstanding indebtedness—counties, towns and cities.

No. 160—to authorize the county commissioners of Traill county to appropriate funds for the purchase of a poor farm and to construct a poor asylum—charitable and penal institutions.

No. 158—to amend section 23, chapter 39, political code—judiciary.

No. 159—to create the county of Benson and define the boundaries of Ramsey and DeSmet counties.

No. 161—to create the county of Nickens—counties, towns and cities.

No. 165—to create the county of Harvey—counties, towns and cities.

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

No. 118—to divide Lawrence county and to create the county of Hale and define the boundaries thereof—passed unanimously.

No. 135—to locate a normal school at Minto, Walsh county—passed, Mr. Rice declining to vote, Mr. Thompson voting in the negative and all the rest present voting in the affirmative.

No. 45—defining the boundaries of Steele county—reported from committee by substitute. Substitute passed by unanimous vote.

#### A RAILROAD BILL.

House file 147—providing for local taxation of railroad companies, came up as the special order.

Mr. Thompson (its author) moved that the bill be made the special order for next Thursday. Lost.

Mr. Sterling moved that further consideration of the bill be indefinitely postponed.

The ayes and noes being called the motion was adopted by the following vote:

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

Nays—Messrs. Ellis, Inman, Phillips, Rice, Thompson and Van Woert—6.

Absent and not voting—Messrs. Pyatt and Tyohsen.

#### FROM THE GOVERNOR.

A message was received from the governor announcing that he had signed and approved house file 47—to require railroad companies to build fences in certain cases; and house file 72—to vacate the town plat of Roscoe, Moody county.

#### AN EDUCATIONAL BILL.

The committee on education reported the message of the governor and accompanying draft of a bill for a school law, with a recommendation that the message

and the proposed enactment be referred to the committee of the whole. The report was adopted.

#### ADJOURNMENT.

The house, at 11:05 a. m., adjourned to ten o'clock Wednesday morning.

#### Session Notes.

Mr. Jerauld's council bill 145, introduced this morning provides for the appointment by the governor of three tax commissioners whose duty it shall be to examine into all sources of revenue and ascertain and report whether or not all classes of property are equally assessed and taxed under the present law; also whether capital stock of corporations in this territory whose stock is owned outside the territory is paying its share of the public burden, and also to report what new sources of revenue may justly be secured. The commissioners are to receive \$6.00 per day for the time actually occupied.

Mr. Burdick this morning introduced a resolution into the council calling the Bismarck penitentiary bill from the committee, and a lively and rather personal discussion ensued, in which members were accused of not telling the truth and of attempting to force one bill to the prejudice of another. After a spicy debate and many attempted amendments of the original motion the bill was made a special order for Thursday at 2 p. m., the hour previously fixed for the consideration of the bills for a penitentiary at Fargo.

There was not much of interest in the house to-day, the order of business being quickly disposed of and an adjournment being reached a little after eleven o'clock. Mr. Thompson's bill to provide local taxation on railroad property was indefinitely postponed without debate, by a large majority.

There are indications that the utmost good feeling exists among those who are assembled together for legislative purposes. Almost every member is naming a county after some other member.