



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Fourth 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, except Mr. Nickens.

HOUSE MESSAGE.

A message was received from the house announcing that council bill No. 74—authorizing the county commissioners of Lincoln county to refund its outstanding indebtedness—and council bill No. 75—to provide funds for the expenses of the territorial penitentiary—had passed without change; also house files No. 45—creating the county of Steele; No. 118—creating the county of Hale and defining the boundaries of that county and the county of Lawrence; No. 132—to amend chapter 13, of the civil code; No. 135—to provide for the establishment of a normal school at Minto.

INTRODUCTION OF BILLS.

The following council bills were introduced and given their first reading: By Mr. Jerauld, No. 150—to amend section seven of the justices' code, relative to the publication of summons and adjournments. By Mr. McIntosh, No. 151—to provide for the erection of a court house and jail for Aurora county. By Mr. Roberts, No. 152—providing for the organization of townships and government thereof. By Mr. McCauley, No. 153—to incorporate the city of Ashton.

SECOND READING OF COUNCIL BILLS.

The following council bills were read a second time and referred to committees as indicated: No. 132—to incorporate the city of Vermillion—incorporations. No. 134—to establish the Dakota school for deaf mutes at Sioux Falls—charitable and penal institutions. No. 135—to create the office of attorney general and define his duties—judiciary. No. 141—to prevent breaches of the peace from trespass on school and university lands and the disposition of improvements thereon—education. No. 142—to authorize the treasurer of Yankton county to purchase and cancel all outstanding bonds other than the railroad bonds—judiciary. No. 148—to amend chapter 28 of the political code—judiciary. No. 149—to amend section 1,098, section 3, title 4 in part 4 of division 3 of the civil code, reducing the legal rate of interest to ten per cent—judiciary.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that it had passed and transmitted to the council on February 3rd, house file 44, repealing the act pro-

viding extra compensation for Judge Moody, and that immediate action on the part of the council was requested; also, requesting the return of council bill 75, providing for the current expenses of the territorial penitentiary. The council laid the message on the table and refused to take action thereon.

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:

No. 63—providing for the relief of W. S. Goodwin and Truman L. Pratt, to reimburse them for \$2,000 loss in the erection of the insane asylum—passed, all voting in the affirmative except Messrs. McIntosh, Walsh and Mr. President, Mr. Nickens absent and not voting.

No. 84—to amend section 546, article 14 of the civil code—entitled religious corporations—passed, all voting in the affirmative except Mr. Nickens, not voting.

No. 103—to empower school district No. 28 of Spink county to issue bonds to build a school house—passed, all voting in the affirmative except Mr. Nickens, not voting.

No. 120—to establish the boundaries of Faulk and Potter counties—passed, all voting in the affirmative except Mr. Nickens, not voting.

No. 124—to legalize the acts of the commissioners of Grand Forks county in issuing 10,000 jail bonds passed all voting in the affirmative except Messrs. Nickens and Ziebach not voting.

No. 125—legalizing the assessment of the city of Grand Forks—passed all voting in the affirmative except Messrs. Nickens and Ziebach.

No. 154—to provide payment of C. J. B. Harris for services rendered by him in preparing a revision of general laws of the territory—passed all voting in the affirmative except Messrs. Jerauld, Roberts, Washabaugh and Mr. President, who voted in the affirmative and Mr. Nickens not voting.

HOUSE FILES.

House files Nos. 118, 132 and 135 were given their first readings.

On motion of Mr. Roberts they were put on their second reading and commitment.

SECOND READING OF HOUSE FILES.

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

No. 45—providing for the creation of Steele county.—Counties.

No. 118—Creating the county of Hale and defining the boundaries of Lawrence county.—Counties.

No. 132—to revise chapter 13 of the civil code.—Judiciary.

No. 135—to provide for the establishing of a normal school at Minto.—Education.

No. 101—to provide for the registration of births and deaths.—Territorial affairs.

No. 113—to amend section 597 of the civil code.—Judiciary.

No. 127—to amend section 97, article 4 of the civil code.—Judiciary.

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

No. 145—Authorizing school district No. 6 of McCook county to issue bonds to erect a school.—Appropriations.

PUBLIC PRINTING.

The concurrent resolution providing for printing of house files was read a third time and passed by an affirmative vote, Mr. Nickens not voting.

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. 60—to amend section 28, chapter 28, of the political code—lost by an unanimous vote.

No. 58—to authorize the county of Morton to fund its outstanding indebtedness—on motion was referred to a special committee composed of Messrs. Dewey, Burdick and McCauley.

No. 65—to provide for the issue of bonds for the purchase of normal school lands at Madison, Lake county—passed, all voting in the affirmative, except Messrs. Dewey and Washabaugh.

No. 85—to authorize joint school district 33, of Cass and Barnes counties to issue bonds to erect a school house—passed, all voting in the affirmative, except Messrs. Jackson, Nickens, Roberts and Washabaugh not voting.

No. 86—to authorize the issue of bonds for the erection of a bridge across Hart river at Mandan—lost, all voting in the negative, except Mr. McCauley who voted in the affirmative.

No. 138—to regulate the application for pardons—lost, all voting in the negative, except Messrs. Burdick, Dewey, Jackson and Walsh.

Mr. Burdick introduced a resolution that Mr. Washabaugh be discharged from further consideration of house file 44—repealing the act allowing Judge Moody extra compensation—and that he report without recommendation. Lost.

COMMITTEE OF THE WHOLE.

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

When the committee arose it reported with recommendations as follows:

That house file 91, providing for the increase of the number of county commissioners to five, be referred to a special committee. The President announced as such committee, Messrs. Dewey, Roberts and McCauley.

That house file 129, and house file 152, providing a penitentiary at Bismarck be laid on the table and be taken up as the special order to-morrow afternoon at 2 o'clock.

That house file 93, creating the county of Nelson, be amended and that it pass as amended, and that council bill 122, for an act to enable owners of lands to drain and reclaim them and for other purposes do pass.

On motion the report of the committee was adopted.

The President resuming the chair, Mr. Roberts offered the following resolution:

WHEREAS the 22d instant is by law a legal holiday.

Resolved, That this council do adjourn on that day immediately after the reading of the journal.

The resolution was lost.

NOTICE OF BILLS.

By unanimous consent Mr. Dewey gave notice that he would on to-morrow, or some subsequent day introduce a bill for an act to create a commission to examine and adjust the financial affairs of the county Yankton and to provide for a full and complete settlement with the several county officers therein.

Mr. Walsh gave notice of his intention of introducing a bill to create the county of Jackson.

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.

Journal read and approved.

BILLS SIGNED.

The speaker announced that he had signed council bills 11, 64, 65, 71, 81, 83, 101, 102 and 109, and house files 79, 81, 99, 51 and 22.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 53, 94, 126 and 165; also the passage of house file 105—to incorporate the village of Minto; also house file 116—to incorporate the city of Aberdeen; also that it had amended house files 70 and 97; also that it had refused to concur in the bill defining the boundaries of Mandan county.

MOTIONS ADOPTED.

Mr. Bowman moved that the clerk be instructed to request the council to take immediate action upon the house bill repealing the act granting additional salary to Judge Moody. Adopted.

Mr. Bowman moved that the clerk be instructed to request the council to return to the house council bill 75—to appropriate funds to meet the expenses of the Sioux Falls penitentiary.

Mr. Thompson moved that further consideration of the motion be indefinitely postponed. Lost.

Mr. Bowman's motion was then adopted.

Mr. Sterling offered a resolution, and moved its adoption, requiring the house to adjourn to-morrow (Washington's birthday), after the reading of the journal. Adopted.

NOTICES OF BILLS.

By Mr. Choteau—to create the county of Butte.

By Mr. Nelson—to amend sections 324, 325 and 328 of the code of criminal procedure.

By Mr. Nowlin—to establish the counties of Scooby, Pyatt, Sterling, Jackson, Cheyenne and Delano.

By Mr. Benson—to create the counties of Villard, Burdick, Ewing and Bowman and to define the boundaries of Harding and Billings counties.

BILLS INTRODUCED.

By Mr. Thompson—house file 172—to amend section 41, chapter 28, laws of 1879.

By Mr. Nowlin—house file 173—to limit the liability of irrigating and ditching companies.

By Mr. Wagner—house file 174—to stock with food fishes the waters of Dakota.

By Mr. Harvey—house file 175—to legalize the acts of the commissioners of Walsh county.

CONCURRED IN.

House files 70 and 97, returned from the council amended, were taken up and the amendments concurred in.

No. 70 authorizes school district one, Clark county, to issue bonds.

No. 97 authorizes Pennington and Custer counties to issue bonds.

COUNCIL BILLS.

The following council bills had their first reading:

No. 127—to incorporate the city of Brookings.

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.

No. 94—legalizing the action of the council of Grand Forks in issuing bonds.

No. 53—to regulate the weighing and grading of wheat, and for other purposes.

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

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

No. 29—to legalize the election of township officers—counties, towns and cities.

No. 98—to incorporate the city of Mitchell—counties, towns and cities.

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

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

No. 55—amending a Grand Forks school district act—counties, towns and cities.

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

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

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—judiciary.

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

No. 113—to amend section two, chapter 41, political code—Indian affairs.

The following council bills had their third reading and were passed:

No. 92—charter for the city of Jamestown—unanimously.

No. 87—to secure manufacturers of railroad stock and equipment in making certain conditional sales, contracts and leases—Messrs. Nowlin and Wagner voting in the negative, Mr. McCallister being excused and all the rest voting in the affirmative.

No. 78—to incorporate the city of Redfield—unanimously.

No. 107—to create the counties of McCauley, Inman and Edgerton—Messrs. Ellis and Wynn voting in the negative, Mr. Tychoen being excused and all the rest voting in the affirmative.

No. 93—providing a board of education at Jamestown—unanimously.

No. 146 (under suspension of rules, on motion of Mr. Rinehart)—to re-enact the Spearfish normal school act—passed unanimously.

HOUSE FILES.

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

No. 166—to create the county of Town-er, &c.—counties, towns and cities.

No. 171—to amend the act amendatory to section 10, chapter 27, political code—relating to elections—elections.

No. 167—for the protection of game—territorial affairs.

No. 169—to amend paragraph five of section 340, code of criminal procedure—judiciary.

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

No. 154—authorizing the commissioners of Richland county to use certain funds for bridge purposes—passed unanimously.

No. 149—to regulate the keeping of county, township and precinct officers—passed, Messrs. McCallister, Nowlin and Robinson voting in the negative and all the rest in the affirmative.

No. 153—to preserve the waters of James river for domestic and drinking purposes—passed unanimously.

No. 73—to amend section 400 of the civil code—relating to incorporations—passed, Mr. Ellis alone voting in the negative.

No. 133—to incorporate the city of Huron—passed unanimously.

No. 155—creating the county of Schnasse—passed unanimously.

No. 115—to incorporate the city of Pierre—passed unanimously.

No. 148—providing for the erection of a court house and jail in Brule county—passed unanimously.

No. 146—to provide for the erection of a court house and jail in Griggs county—passed unanimously.

No. 157—to authorize Bon Homme county to issue bonds—passed unanimously.

No. 130—to amend section two, chapter 35 of the political code—was lost.

No. 67—relating to the qualifications of grand jurors—referred to committee of the whole.

No. 126—to repeal a portion of the bridge, highway and ferry act—referred to the committee of the whole.

ADJOURNMENT.

The house, at 11:45 a. m., adjourned to ten o'clock Thursday morning.

Session Notes.

There was a scene somewhat exciting in the council this morning. The gen-

leman from Clay rose in his seat and asked the gentleman from Cass to openly retract some remarks made by him the day previous, during the contest over the northern penitentiary bill, which were offensive to the former. The gentleman from Cass failed to respond to the invitation and the gentleman from Clay delivered himself as follows: "Then I will say the gentleman lied, deliberately lied, infamously lied, and that the gentleman is a damn liar." The president called the speaking member to order and directed the clerk to take down his remarks. This ended the affair, but the feeling between the two does not seem to be particularly pleasant.

There was a meeting last evening of the committee appointed to consider the proposition to relocate the territorial capital. The committee was addressed by Mr. Melville in behalf of Huron, by S. F. Goodykountz in behalf of Mitchell, by Major Kellam in behalf of Chamberlain, and by J. A. Ward in behalf of Pierre. The claims of the various places and their advantages were presented, Huron making an offer of temporary buildings and twenty acres of land. A vote was taken on the proposition to move the capital and four of the five members of the committee expressed a willingness to see it removed. We can analyze the vote about as follows: The Vermillion member would like to see it go to Pierre; the Grand Forks member anywhere, but Grand Forks preferable; the Jamestown member to Jamestown; the Scotland member to Scotland; the member from Yankton, who was alone on the negative side, would prefer to keep it at Yankton. The committee finally postponed consideration of the subject until next Monday and announced that the committee was prepared to receive propositions.

There are thirteen more working days of the legislative session, leaving out Sundays and to-morrow's holiday. In the council 157 bills have been introduced and in the house 175—a total of 328. Two years ago the legislature, by resolution, put an end to introduction of new business on the 43d day and at that time 394 bills had been introduced.

The development of to-day renders it certain that the special committee appointed by President Scobey, at the instance of Mr. Walsh, contains about all the radical capital removal element of the legislature. The house begins to feel that the council is taking exclusive control of this department of business and there is talk of constructing a special house committee to receive propositions and consider the subject.

The bill to divide Brown county into four counties named respectively Brown, Edgerton, McCauley and Inman, has passed both houses and needs only the governor's signature to make it a law.

The house has agreed to adjourn over Washington's birth day and it is probable the council will follow suit.