



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Sixth Day.

Council.

FRIDAY AFTERNOON'S SESSION.

At two o'clock p. m. the council met and again went into committee of the whole.

Mr. Washbaugh in the chair.

When the committee arose at 3:20 p. m. it reported with recommendations as follows:

That council bill 133—for an act to amend section 67 of chapter 28 of the political code—entitled revenue, be indefinitely postponed.

That council bill No. 135—creating the office of attorney general—be referred to the committee on charitable and penal institutions.

That council bill No. 136—to amend chapter 39 of the penal code not pass.

That council bill No. 137—to make Fred C. Cliff the heir-at-law of Mattie E. Granstelt, do not pass.

That council bill No. 140—requiring sheriffs and other officers to make return of their fees in certain cases, do pass.

That council bill No. 134—establishing the Dakota school for deaf mutes, be made a special order on Wednesday next at two o'clock p. m.

That house file No. 142, to locate, establish and endow a school of mines for the territory of Dakota, be made a special order for Wednesday next at 3 o'clock p. m.

That house file No. 125, to protect the hides of neat cattle, do pass.

That council bill No. 105, to amend sections 691 and 612 of the political code, be referred to a special committee.

The report was adopted.

Mr. Nickens moved the council go into the committee of the whole for the consideration of council bills No. 112 and 113, providing for a penitentiary at Fargo, and house files 129 and 152, providing for a penitentiary at Bismarck. Carried.

COMMITTEE OF THE WHOLE.

The council then went into committee of the whole on the consideration of the above bills, with Mr. Dewey in the chair.

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

That permission be given Mr. Roberts to withdraw council bills Nos. 112 and 113, and that house files Nos. 129 and 152 be reported to the council with a recommendation that they do pass.

The report was adopted.

Mr. Ziebach moved that house files Nos. 129 and 152 be given their third readings and be put on its final passage. Carried.

They were so read and passed, all present voting in the affirmative except Mr. Jerauld, who voted in the negative.

DELINQUENT TAXES.

A communication from the territorial treasurer was received, giving the amount of delinquent taxes due each county for the past four years, and the estimated amount of revenue for the ensuing two years, in pursuance with the resolution passed February 17.

Forty-Seventh 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.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of house files No. 183, creating the county of Butte; No. 178, providing for the appointment of an assistant engrossing clerk; No. 46, authorizing school district No. 3, of Brown county, to issue bonds to construct a school house; No. 121, relative to the breeding of cattle; No. 131, providing for a normal school at Pembina, and No. 167, to protect game; also the passage of council bills No. 47, to amend sections 377 and 381 of the civil code, and No. 48, relating to costs in civil actions.

Mr. Roberts moved that the vote by which house file 152 was made a special order for Wednesday, be reconsidered. Carried.

Mr. Roberts then moved that it be placed on the general file to come up for consideration in the committee of the whole. Carried.

INTRODUCTION OF BILLS.

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

By Mr. McIntosh—No. 170—creating the county of Sterling.

By Mr. Scooby—No. 171—to repeal chapter 36 of the laws of 1881—repealing an act to repeal section 427 of the penal code in certain counties.

By Mr. Scooby—No. 172—to repeal section 31 of the laws of 1881—entitled, loan of money.

By Mr. Roberts—No. 173—to amend section 9 of article 1 of the charter of the city of Fargo.

By Mr. Ziebach—No. 174—to revive and re-enact chapter 101 of the session laws of 1881—establishing a normal school at Springfield.

By Mr. Burdick—No. 175—to create the county of Sterling and rearrange the boundaries of Hughes and Sully counties.

Mr. Roberts moved that the rules be suspended and that council bill No. 173 be given its several readings and be put on its final passage. Carried.

The bill was so read a second and third times and passed.

PASSAGE OF COUNCIL BILLS.

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

No. 137—to amend section 23 of chap-

ter 39 of the political code, regulating the compensation of assessors was lost, all voting in the negative except Mr. Walsh and Mr. President, who voted in the affirmative.

No. 137—changing the name of Fred. Cliff to Fred. Cliff Granstelt and making him heir at law of Mattie Granstelt.

Mr. Dewey moved the bill be recommended to a special committee, with Mr. McCauley as chairman, for amendment. Carried.

Mr. President appointed as such committee Messrs. McCauley, Dewey and Jackson.

No. 140—relating to sheriff's returns in certain cases—passed, all voting in the affirmative except Mr. Nickens, not voting.

HOUSE FILES.

The following house files referred to in the house message above were given their first reading—Nos. 46, 121, 134, 167, 178 and 183.

PASSAGE OF HOUSE FILES.

The following house files were given their third readings and on being put on their final passage were disposed of as indicated:

No. 6—relieving the sufferers by hail storms in Lawrence, Pennington and Custer counties—was lost by the following vote:

Voting aye, Jackson, McIntosh, McCauley, Walsh Ziebach and Mr. President—6.

Voting nay, Meers, Burdick, Dewey, Jerauld, Nickens, Roberts and Washbaugh—6.

No. 113—to amend section 597 of the civil code relating to the foreclosure of mortgages by advertisement—was passed all voting in the affirmative, excepting Mr. Nickens who voted in the negative and Messrs. Roberts and Dewey not voting.

No. 125—relating to the disposition of the hides neat cattle in the counties of Custer, Pennington, Lawrence and Mandan.

Mr. Nickens by unanimous consent moved the bill be amended to include the whole territory in its provisions. Carried.

Mr. Jerauld by unanimous consent offered an amendment providing that the brands be not destroyed. Carried.

The bill as amended then passed, all voting in the affirmative.

No. 127—to amend section 197, article 4 of the civil code, to secure creditors when debtors are about to remove from the county—passed, all voting in the affirmative.

No. 181—to amend section 15 of chapter 39 of the political code, was lost all voting in the negative except Mr. Nickens not voting.

No. 132—to amend section 324 chapter 4 of the civil code (the exemption bill) was lost by the following vote:

Voting aye—McCauley, Roberts and Walsh—5.

Voting nay—Burdick, Dewey, Jackson, Jerauld, McIntosh, Nickens, Washbaugh, Ziebach and Mr. President.

Mr. Ziebach moved that rules be suspended and that council bill 174—re-enacting the act establishing a normal school at Springfield—be given its second and third readings and be put on its final passage. The bill was so read and passed, all voting in the affirmative, except Mr. Jerauld who voted in the negative.

THE APPORTIONMENT COMMITTEE.

Mr. President then appointed Messrs. Walsh, Roberts, Washbaugh, Ziebach and Jerauld, as the council representatives of the joint apportionment committee to redistrict the legislative districts.

COMMITTEE OF THE WHOLE.

The council then went into committee of the whole.

Mr. McCauley in the chair.

When the committee arose it reported with the following recommendations:

That council bill No. 139—to amend section 13 of chapter 27 of the political code, do pass as amended.

That council bill No. 147—to amend an act to incorporate the city of Canton, do pass.

That house file No. 135—to locate a normal school at Minto, do pass.

That council bill No. 141—to prevent breaches of the peace and corruption in office, from trespasses upon the school and university lands and to prevent their desecration and the destruction of natural scenery and objects of beauty thereon, do pass.

That council bill No. 46—supplementary to chapter 28 of the political code entitled "revenue," and to authorize the bringing of suits for the recovery of delinquent taxes and to regulate proceedings therein, do pass as amended.

That house file No. 146—providing for the building of a court house and jail for the county of Griggs, do pass.

That house file No. 148—entitled, a bill for an act providing for the erection and construction of a court house and jail for the county of Brule do pass.

That council bill No. 169—to provide for the levy and collection of taxes upon the property of railroad companies in this territory—be made a special order for Monday next at two o'clock, p. m.

That council bill No. 149—to amend section 1098, title 4 in part 4 of division 3 of the civil code—entitled, loan of money, do not pass.

That house file No. 86—authorizing the county of Merton to issue bonds to bridge the Hart river be referred to a special committee, of which Mr. Nickens shall be chairman; and

That house file No. 142—to establish a school of mines, do pass.

On motion the report of the committee was adopted.

BILLS PASSED.

After arising from committee of the whole, Mr. Washbaugh moved that council bill 46, authorizing the bringing of suits to recover delinquent taxes in certain Black Hills counties, be put up on its final passage. The bill was read by its title only and was passed by a unanimous vote.

Also on motion of Mr. Washbaugh, house file 143, for an act to locate and

ating establish and endow a school of mines for the territory of Dakota, was put upon its final passage and was passed, all voting in the affirmative except Mr. Jer-said.

COUNCIL BILLS APPROVED.

A message was received from the governor announcing that he had signed and approved council bill 100, to amend the incorporate act of the village of Valley Springs; council bill 95, granting to the husband or wife power to sell or contract real property in certain cases, and council bill 81, authorizing Yankton county to issue bonds to be used in refunding and paying off its outstanding indebtedness.

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.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of house file 91—to increase the number of county commissioners to five in certain cases—with amendments; also that the council had indefinitely postponed house file 95—to amend section 582 of the code of criminal procedure.

A RAILROAD RESOLUTION.

Mr. Nelson introduced the following resolution and moved its adoption:

WHEREAS, Certain representations of railroad corporations in our midst, in the plenitude of their power, have arrogated to themselves the right to dictate legislation; and

WHEREAS, The members of the legislative assembly view with concern the growing tendency of powerful corporations to attempt the control of all legislation to the detriment of public interest; therefore be it

Resolved, That the members of the legislative assembly as the representatives of the people of this territory express our condemnation of the course adopted by such representatives in corrupt and unjustifiable interference with honest legislation.

Mr. Rinehart said he had seen nothing to lead him to believe that the preamble set forth the truth, and he opposed the adoption of any such resolution.

Mr. Nowlin said he had seen nothing to justify the resolution. There were some railroad men in town, but they had a right to be here. They were large property owners in the territory and were expected to look after their interests. If there was any man who had been corrupted let him be pointed out. The inference of the resolution was unjust and wrong.

Mr. Nelson said he had introduced the resolution to preserve the self-respect of the legislative body. Railroad men were all right so long as they did not attempt to interfere with matters outside their interest. It had been stated in a Yankton newspaper that the two corporations had put their heads together to sit down on the capital removal. He felt that the honor of the house had been impugned, the inference being that the legislature had been influenced.

Mr. Bowman was of the opinion that if the Press and Dakotian was the offender that it should be made the object of legislative wheresoes and resolves.

Mr. Mr. Rice sarcastically remarked that the utterances of the Press must be true, because newspapers were like George Washington. He had, however, in his travels, heard people on the cars say that it would be difficult to predict what the present legislature would do. He was unable to say whether or not the resolution was just, but thought he should vote for it.

Mr. Rinehart asked the house to consider what the preamble set forth. It charged corruption. If there was any one who had been corrupted he would like to see the color of his hair. By passing the resolution, the house would stultify itself.

The ayes and nays being ordered the resolution was defeated by the following vote:

Nays—Messrs. Alfred, Benson, Bowman, Choteau, Ellis, Harvey, Inman, Lamb, McCallister, Nowlin, Phillips, Rinehart, Robinson, Sterling, Towner, Tychson, Wynn and Mr. Speaker.

Ayes—Messrs. Nelson, Pyatt, Rice, Thompson, Van Woert and Wagner.

NOTICES OF BILLS.

By Mr. Bowman—to legalize the acts of the board of county commissioners of Lawrence county.

By Mr. Nowlin—to prevent corruption of the waters of Rapid creek.

By Mr. Sterling—to amend section 163 chapter 2, title 5, code of criminal procedure.

By Mr. Lamb—to change the name of Clark Center to Clark.

BILLS INTRODUCED.

By Mr. Harvey—house file 181—to incorporate the city of Grafton.

By Mr. Pyatt—house file 198—to legalize the organization of school districts in Richland county.

By Mr. Robinson—house file 194—to amend incorporation act of Sootland.

By Mr. Wynn—house file 195—to vacate the territorial road in section 36, in township 94, range 56, in Yankton county.

CONCURRED IN.

The house concurred in the council amendments to the house bill providing for an increase of number of county commissioners in certain cases.

COUNCIL BILLS

The following council bills had their first reading:

No. 130—to change the names of certain towns.

No. 125—to legalize the assessment of the city of Grand Forks.

No. 124—to legalize the acts of the commissioners of Grand Forks county in issuing jail bonds.

No. 123—to authorize the redistricting of Grand Forks county.

No. 122—relating to drainage of land

No. 120—defining the boundaries of Faulk and Potter counties.

No. 203—authorizing school district 28, Spink county, to issue bonds.

No. 109—to amend the religious incorporation act.

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.

No. 162—to amend the board of education act of Fargo.

Council bill 39—to create the office of district attorney in counties—was referred to the committee on judiciary.

On motion of Mr. Pyatt, the enforcement of the resolution relative to action on council bills was suspended.

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

No. 26—to amend section 46, chapter 21 political code—providing for appeals from the decisions of county commissioners—passed by unanimous votes.

No. 70—to provide compensation for the publication of tax rules—passed, Messrs. Benson, Pyatt, Phillips and Rice voting in the negative.

No. 126—to empower school districts one in Aurora and twelve in Davison counties to issue bonds—passed by unanimous vote.

No. 97—for a court house and jail in Hughes county—passed unanimously.

No. 53—to regulate weighing and grading of wheat—referred to a special committee consisting of Messrs. Towner, Harvey, Thompson, Nelson, Rice, Wagner and Phillips.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, announcing his approval of house file 66—relating to repeal of certain portions of funding act of Pennington and Custer counties.

Also some mining reports from the the governor of Colorado and others, relating to the Denver exposition, which were referred to the committee on mines and mining.

HOUSE FILES.

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

No. 168—to provide for the appointment of a fire warden at Lead City—passed unanimously.

No. 173—to limit the liability of irrigating and ditching companies—passed unanimously.

No. 175—to legalize the acts of the commissioners of Walsh county—passed unanimously.

No. 137—to incorporate to village of Mandan—passed unanimously.

No. 21—authorizing school district one, Dickey county, to issue bonds—passed unanimously.

No. 12—to create the county of Sargent—passed unanimously.

No. 179—to provide for the examination of public accounts—passed, Messrs. Bowman, Choteau, Lamb, Rinehart and Thompson voting in the negative.

No. 67—requiring that a juror must be a free-holder was indefinitely postponed.

WITHDRAWN AND EXPUNGED.

Mr. Nelson said he had been considerably sat down upon both by the house and the railroads and he asked permission to withdraw his resolutions of censure and that the same be expunged from the journal. So ordered.

BILLS SIGNED.

The speaker announced that he had signed house files 73, 97, 129 and 152.

ADJOURNMENT.

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

Session Notes.

Some resolutions were introduced in the house to-day relative to railroad corporations exercising influence on legislation, but the summary manner in which the house sat down on the resolutions made it appear that they were not a popular offering.

In the council this forenoon there was an animated conversation over a bill to provide for the taxation of railroad property, a subject somewhat familiar in legislative halls. This particular measure, though, refers more particularly to the taxation of railroad lands. The discussion was a long one and in the end the bill was made a special order for next Monday.