

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Ninth Day.

Council.

The council met at 10 a. m., all members present.

Prayer by the chaplain.
The journal of Saturday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of council bill 26—to amend chapter 21 of the political code. Council bill 70—providing compensation for publication of tax sales (with amendment). Council bill 97—a bill for an act providing for a court house for the county of Hughes, and council bill 126—to authorize school district one, Aurora county and district 12, Davison county, to issue bonds for building school houses. Also, transmitting house files 12, 21, 137, 168, 173, 175 and 179.

On motion, the council concurred in the amendment to council bill 70.

INTRODUCTION OF BILLS.

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

By Mr. Dewey—No. 176—to amend section 1754 of the civil code of the territory of Dakota.

By Mr. Dewey—No. 177—to provide for a commission to examine the financial condition of Yankton county, to adjust all the different funds thereof and to settle with the officers of said county.

By Mr. Dewey—No. 178—to authorize and direct the treasurer of Yankton county to remit the penalty on all delinquent and unpaid taxes heretofore levied and assessed to pay the interest on bonds heretofore issued under the act of Congress entitled "an act in relation to the Dakota Southern Railroad Company."

By Mr. Washabaugh—No. 179—to provide a constitutional convention for Southern Dakota.

By Mr. Washabaugh—No. 180—to amend chapter 42 of the special and private laws of 1881.

By Mr. Washabaugh—No. 181—to amend section 18 of chapter 39 of the political code.

By Mr. Washabaugh—No. 182—to amend section 25 of chapter 21 of the political code.

By Mr. Washabaugh—No. 183—for an act in relation to district attorneys and suits in which the territory or any county is a party.

By Mr. Jerauld—No. 184—A bill for an act to provide for the appointment of an agent to receive service for a non-resident, executor, administrator or guardian and for other purposes.

By Mr. Jerauld—No. 185—A bill for an act to amend chapter 132 of the session laws of 1881—Referred to the committee on railroads.

By Mr. Roberts—No. 186—providing for the salary of county treasurers.

By Mr. Roberts—No. 187—to repeal chapter 70 of the general laws of 1881.

By Mr. Roberts—No. 188—to provide for a public examiner for Dakota, and prescribe his duties.

By Mr. Roberts—No. 189—to amend section 17 of the justice code of the revised codes of 1877.

SECOND READING OF COUNCIL BILLS.

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

No. 160—to amend section 13, chapter 39 of the political code—committee on judiciary.

No. 161—A bill for an act to amend section 747 of chapter 38 of the code of civil procedure, entitled herd law—committee on judiciary.

No. 162—to locate and establish a reform school for juvenile offenders at or near Plankinton—committee on charitable and penal institutions.

No. 171—to repeal chapter 36 of the laws of 1881—committee on judiciary.

No. 172—to repeal chapter 31 of the laws of 1881—committee on judiciary.

PASSAGE OF COUNCIL BILLS.

The following council bills were put upon their third reading and final passage and were disposed of as follows:

Council bill 139—to amend chapter 2 of the political code. Passed unanimously.

Council bill 141—to prevent breaches of the peace, corruption in office, desecration of school lands and destruction of natural scenery. Lost, Mr. Dewey voting aye, the remainder nay.

Council bill 147—to amend the incorporation act of Canton. Passed unanimously.

Council bill 149—to amend that part of the civil code entitled "Loan of money." Lost, Messrs. Dewey, Jackson, Jerauld, McCauley and Mr. President voting aye, and the remainder voting nay.

FIRST AND SECOND READING OF HOUSE FILES.

All house files received for their first reading were also read a second time and referred to committee: as follows:

House file 12—creating and defining the county of Sergeant—committee on counties

House file 21—authorizing school district one, Dickey county, to issue bonds—committee on appropriations.

House file 137—to incorporate village of Mandan—committee on incorporations.

House file 168—establishing fire warden and fire limits for Lead City—passed under suspension of the rules.

House file 173—to limit the liability of irrigating ditch owners and companies—committee on mines and minerals.

House file 175—to legalize certain acts of county commissioners Walsh county.

House file 179—to provide an examiner of public accounts—committee on territorial affairs.

The following house files were given a

second reading only and referred as indicated.

House file No. 46—authorizing school district No. 3, Brown county, to issue bonds for building a school house—committee on appropriations.

House file No. 124—authorizing a lien on animals and their offspring for services of stallion or bull—committee on agriculture.

House file No. 134—establishing, locating and endowing a normal school at Pembina—committee on education.

House file No. 167—for protection of game in the territory—committee on territorial affairs.

House file No. 178—to employ an assistant engrossing clerk and providing payment therefor—committee on appropriations.

House file No. 183—creating and defining the county of Batte—committee on counties.

PASSAGE OF HOUSE FILES.

The following house files were read a third time and placed on their final passage, and disposed of as indicated.

House file 86—authorizing Morton county to issue bonds to bridge the Hart river. Passed unanimously.

House file 135—locating and establishing a territorial normal school at Minto—passed unanimously.

House file 146—providing for building a court house and jail for Griggs county—passed unanimously.

House file 148—providing for building a court house and jail for the county of Brule—passed unanimously.

EXECUTIVE SESSION.

The council then resolved itself into an executive session for the purpose of receiving a sealed communication from the governor. The communication as read was as follows:

Territory of Dakota, Executive Office, Yankton, Feb. 26, 1888.—To the Legislative Council of the Territory of Dakota: I have the honor to transmit for your early consideration and approval in executive session the following nominations:

For territorial treasurer—Wm. H. McVay, of Yankton, Yankton county.

For territorial auditor—George L. Ordway, of Pierre, Hughes county.

Respectfully,
N. G. ORDWAY, Governor.

The first nomination was immediately confirmed, and after a half hour of hesitancy the lobby in the outside hall heard a second vote of confirmation.

When the council emerged from executive session it was announced that both nominations had been confirmed and that Mr. Burdick had apologized for the language used in referring recently to the gentleman from Cass, and that the objectionable language had been ordered expunged from the record.

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

AFTERNOON SESSION.

At 2 p. m. the council convened and went into committee of the whole, Mr. Nickens in the chair.

When the committee arose it made to the council the following recommendations:

That council bill 142—to authorize the county treasurer of Yankton county to purchase and cancel certain bonds of said county—do pass.

That council bill 119—to establish a board of health and examiners, and to regulate the practice of medicine—do not pass.

That house file 154—to authorize county commissioners of Richland county to use certain sinking funds for bridge purposes—do pass.

That house file 76—to amend section 5 of chapter 19 of the political code—do pass.

That house file 149—to regulate the keeping of county, township and precinct officers—do pass, with certain amendments.

That council bill 132—to amend the incorporation act of the city of Vermilion—do pass, with certain amendments.

That council bill 148—to amend chapter 28 of the political code—do pass.

On motion the report of the committee of the whole was adopted.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had signed and approved council bill 11, amending the incorporation act of the city of Grand Forks, and council bill 74, authorizing the treasurer of Lincoln county to collect certain school taxes voted at the annual meeting in 1882.

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 except Mr. Robinson, who was excused.

Journal read and approved.

NOTICES OF BILLS.

By Mr. Kinehart—creating the office of assayer and providing for his appointment.

By Mr. Thompson—to amend section 326 of the code of civil procedure.

By Mr. Rice—to amend chapter 62 of the laws of 1881.

By Mr. Rice—to authorize the incorporation of the village of Egan.

By Mr. Nowlin—to divide Aurora county and create the county of Johnson.

By Mr. Nelson—to legalize the acts of Wm. R. Goodfellow as notary public.

INTRODUCTION OF BILLS.

By Mr. Sterling—House file 196—to amend section 163, chapter two, title five, code of criminal procedure.

By Mr. Sterling—House file 197—to authorize school district three, Hand county, to issue bonds.

By Mr. Sterling—House file 198—to create the counties of Washington, Martin, Wagner, Rinehart, Choteau and Washabaugh.

By Mr. Rinehart—House file 200—creating the office of assayer and providing for his appointment.

By Mr. Bowman—House file 201—to legalize certain acts of the commissioners of Lawrence county.

By Mr. McCallister—house file 202—to

change a territorial road in Lake county.

By Mr. Lamb—house file 203—to change the name of Clark Center to Clark.

FROM THE GOVERNOR.

A message was received from the governor transmitting a copy of a communication from Governor Crosby, of Montana, recommending that Dakota unite with Montana in the passage of such laws as will prevent the slaughter of large game by skin hunters and sportsmen. Governor Ordway added his recommendation that the legislature comply with the suggestions of Governor Crosby. The communication was referred to the committee on territorial affairs.

APPORTIONMENT.

The speaker announced the following as house members of the joint committee on apportionment:

Messrs. Sterling, Benson, Bowman, Rice, Lamb, Wynn, Inman and Nowlin.

COUNCIL BILLS.

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

No. 127—to incorporate the city of Brookings—counties, towns and cities.

No. 85—to amend the religious incorporation act.

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

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

No. 123—to legalize the acts of the commissioners of Grand Forks county in issuing jail bonds—judiciary.

No. 123—to authorize the redistricting of Grand Forks county—counties, towns and cities.

No. 122—relating to drainage of land—territorial affairs.

No. 120—defining the boundaries of Fank and Potter counties—counties, towns and cities.

No. 103—authorizing school district 28, Spink county, to issue bonds—education.

No. 63—providing for the relief of W. S. Goodwin and Truman L. Pratt, to reimburse them for \$3,000 loss in the erection of the insane asylum—judiciary.

No. 104—to amend the board of education of Fargo—counties, towns and cities.

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

No. 98—to incorporate the city of Mitchell—passed by unanimous vote.

No. 76—providing for the issue of bonds for permanent improvements at the territorial penitentiary at Sioux Falls—referred to the committee of the whole, against the protest of Mr. Thompson, who desired to place it on its third reading and passage.

No. 94—to legalize the action of the council of Grand Forks in issuing bonds for water works—passed by unanimous vote.

No. 114—to amend section 1,745 of the civil code—committee of the whole.

HOUSE FILES.

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

No. 181—to incorporate the city of Grafton, Walsh county—counties, towns and cities.

No. 112—to incorporate the town of Portland, Traill county—counties, towns and cities.

No. 184—to create the counties of Villard, Bowman, Ewing, Burdick, Billings and Harding—counties, towns and cities.

No. 193—to legalize the organization of district 19, Richland county—judiciary.

No. 188—to regulate the sale of intoxicating liquors, giving towns and cities exclusive right to issue licences—counties, towns and cities.

No. 194—to amend the incorporation act of the village of Scotland—counties, towns and cities.

No. 195—to vacate that portion of a territorial road which runs through the insane asylum grounds—territorial affairs.

No. 198—to create the counties of Washington, Martin, Rinehart, Chateau, Wagner and Washabaugh (under suspension of rules)—counties, towns and cities.

No. 199—to vacate a portion of the town plat of Pierre (under suspension of rules)—counties, towns and cities.

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

No. 150—to legalize the acts of the trustees of Howard, Miner county—passed, Mr. Alfred alone voting in the negative.

No. 143—to vacate a portion of the townsite of Running Water—passed unanimously.

No. 31—to amend chapter 13, of civil actions—lost, Messrs. Alfred, Nowlin, Robinson, Thompson, Tyohsen and Van Woert voting in the negative, Messrs. Bowman and McCallister being excused and all the rest voting in the affirmative.

No. 104—to amend paragraph 416 of the code of civil procedure—passed unanimously.

No. 120—requiring notaries public to fix after their signatures the time of the expiration of their commissions—referred to committee or the whole.

No. 100—authorizing the commissioners of Traill county to appropriate money for the purchase of a poor farm and to build a poor asylum—passed by unanimous vote.

No. 161—to create the county of Nickens—passed by unanimous vote.

No. 163—to locate a deaf and dumb institute—referred to committee of the whole.

No. 162—to locate a normal school at Larimore—passed, Mr. Tyohsen voting in the negative, Mr. Rice being excused and all the rest voting in the affirmative.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 48, 139, 140, 173 and 174 and house file 142; also the passage with amendments of house files 113, 125 and 127; also that the council had refused to pass house files 26, 131 and 132.

RECESS.

The house, at 11:30 a. m., took a recess until two o'clock p. m.

AFTERNOON SESSION.

The house reconvened at two p. m., and went into committee of the whole, Mr. Wynn in the chair, on the general order.

After some time spent in committee of the whole the committee rose and reported sundry bills.

BILLS PASSED.

House file 120—requiring notaries public to affix to their signatures the time when their commissions expire, recommended for passage from committee of the whole, was passed.

House file 163—to locate the territorial deaf and dumb asylum at Watertown, reported favorably from committee of the whole, was passed—8 to 16.

Council bill 76—making an appropriation for improvements to the Sioux Falls penitentiary, recommended for passage from committee of the whole, was passed.

ADJOURNMENT.

The house, at 3:30 p. m., adjourned to ten o'clock Tuesday morning.

Session Notes.

During the past few days printed remonstrances to the division of Bon Homme and Hutchinson counties have been distributed in the house. This morning Mr. Robinson, of Bon Homme, who favors the measure, was late and when he came in he found this desk and the wall against which it stands completely covered with the printed remonstrances, forming a picturesque scene which must have impressed the member from Bon Homme with a desire to at least say something which would have been out of order.

Mr. Sterling has introduced a bill in the house to create several new counties. He takes for his basis the counties of Shannon, Lugenbeel and White River and from them carves five counties. The south half of the present Shannon will be Shannon county and the north half thereof will be Washington county. White River county is to be abolished and from that county and Lugenbeel county are to be created the counties of Jackson, Washabaugh and Lugenbeel, located in the order named from north to south. Each county will be about 24x28 miles in size.

Governor Ordway to-day sent to the council two of the nominations for territorial positions which the law authorizes him to make—those of territorial treasurer and territorial auditor. For the position of treasurer he nominated the present incumbent, Wm. H. McVay, of Yankton, and for auditor his son, George L. Ordway, of Pierre. The nomination of Mr. McVay was promptly confirmed. Over the nomination of Mr. Ordway there was about a half an hour's debate, but it was finally confirmed by a vote of seven to five, as near as can be ascertained out of the proceedings of a secret session. It is alleged that Messrs. Dewey, Washabaugh and Ziebach voted against this confirmation, but who the other two were has not been hinted at.

The committee which is to receive proposals for the location of the capital will meet to-night.