

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fiftieth Day.

Council.

TUESDAY AFTERNOON'S SESSION—CONCLUDED.

That council bill 65—a bill for an act to revise and amend Article 11 of the civil code—entitled of insurance companies, do pass as amended.

That house file 153—to preserve the waters of the James river for domestic and drinking purposes—do pass.

That house file 101—to provide for the registration of births and deaths—do pass.

That council bill 90—to prohibit the manufacture and sale of adulterated liquors within the territory—do pass.

The committee of the whole then rose and reported progress and upon the reassembling of the council, by unanimous consent the following bills were introduced:

INTRODUCTION OF COUNCIL BILLS.

By Mr. Dewey—197—to add an enacting clause to the act authorizing the issue of bonds for the purpose of making permanent improvements at the territorial penitentiary.

By Mr. Burdick—198—fixing the salary of the superintendent of public instruction at \$1,200 per annum.

By Mr. Roberts—199—to repeal chapter 137 of the general laws of 1881.

By Mr. Roberts—200—to amend chapter 6, part 2, of the code of civil procedure.

By Mr. Walsh—201—fixing the salary of territorial treasurer at \$2,000 per year.

SPECIAL ORDERS.

The council then proceeded to consider council bill 169, relating to the taxation of railroads. Mr. Jerauld moved to strike out the enacting clause and insert council bill 85, providing for taxation of railroads according to value, in lieu thereof. Lost—ayes 2, nays 10.

Fifty-First Day.

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.

INTRODUCTION OF BILLS.

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

By Mr. Jackson—No. 203—to establish an independent school district in Minnehaha county.

By Mr. Walsh—No. 204—to repeal section 1 and 3, chapter 64, of the session laws of 1881 and for other purposes.

MESSAGE FROM THE HOUSE.

A message was received from the house of representatives, announcing the passage by that body unchanged of council bill 147—to amend the Canton incorpor-

ation act; council bill 103—to empower school district 28, Spink county, to issue bonds; council bill 84—authorizing Deadwood to issue bonds to aid a railroad; council bill 127—to incorporate the city of Brookings; council bill 46—authorizing suits at law for the recovery of delinquent taxes in the Black Hills; and with amendments council bill 72—authorizing the erection and construction of a court house and jail for La Moure county.

The message also announced the passage and transmittal of house files 164, 166, 165, 34, 184, 195, 174 and 181.

SECOND READING OF COUNCIL BILLS.

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

No. 118—To incorporate the city of Casselton—committee on incorporations.

No. 128—To incorporate the city of Chamberlain—committee on incorporations.

No. 153—To incorporate the city of Ashton—committee on incorporations.

No. 201—To amend the law relative to the salary of territorial treasurer—committee on appropriations.

No. 200—To amend chapter 6, part two of the code of civil procedure—committee on judiciary.

No. 199—To repeal chapter 137 of the general laws of 1881.

No. 198—To amend section 5, chapter 40 of the political code—committee on education.

No. 195—To govern the introduction of text books into the common schools—committee on education.

No. 193—Concerning instruction in public schools—committee on education.

No. 194—To prevent the sale of liquor within 900 yards of Yankton college—committee on education.

No. 191—to extend the provisions of chapter 26 of the laws of 1879 to organize townships in this territory—committee on judiciary.

No. 184—to provide for the appointment of an agent to receive service for a non-resident executor, administrator or guardian, and for other purposes—committee on judiciary.

No. 180—to amend chapter 42 of the special and private laws of 1881—committee on mines and minerals.

No. 167—to empower school district 20 Brown county to issue \$5,000 of bonds for a school house—committee on appropriations.

No. 166—to create and define the county of Roberts—committee on counties.

No. 157—a memorial to congress asking for the repeal of the duty on nails, lumber and barbed wire.

No. 203—to establish an independent school district in Minnehaha county—committee on territorial affairs.

No. 205—to amend the village charter of Dell Rapids—committee on territorial affairs.

PASSAGE OF COUNCIL BILLS.

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

No. 117—to amend section 22 chapter

89 of the political code—passed, ayes 11, Mr. Washabough voted nay.

No. 129—to create the county of Brinsbine and define the boundaries, and for other purposes. Passed; ayes 11, nays 1.

No. 131—to reimburse Martin & Anderson for loss on penitentiary iron work contract. Lost; ayes 6, nays 6. Voting aye—Messrs. Burdick, Dewey, Jackson, Jerauld, Washabough and Ziobash.

No. 204—to repeal sections 1 and 3, chapter 64 of the session laws of 1881. Passed unanimously.

SECOND READING OF HOUSE FILES.

The following house files were given a first and second reading, and were referred to committees as indicated:

No. 195—to vacate a certain territorial road in Yankton county—committee on agriculture.

No. 184—to create and define the boundaries of the counties of Villard, Bowman, Ewing and Burdick, and to define the boundaries of the counties of Billings and Harding—committee on counties.

No. 181—to incorporate the city of Grafton—committee on incorporations.

No. 174—to stock with food fishes the waters of Dakota and to protect the same—committee on territorial affairs.

No. 166—Creating the county of Townner and defining its boundaries—committee on counties.

No. 165—Creating the county of Harvey and defining its boundaries—committee on counties.

No. 164—to authorize Union county to issue bonds to fund its indebtedness—committee on appropriations.

No. 34—to attach certain unorganized territory to the county of Richland—committee on counties.

PASSAGE OF COUNCIL BILLS.

The council reverted to the order of third reading of council bills, and council bill 65, to revise and amend article 11 of the civil code, entitled of insurance companies, was read a third time, amended and passed. Ayes 11, nays 1. The amendments require the publication of the insurance statements in one newspaper only in each judicial district, and the act does not apply to insurance companies heretofore organized in this territory.

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. 48—to amend chapter 122, of the session laws of 1881, to prevent fraudulent voting and for the registry of electors—was lost.

No. 53—to authorize the county of Morton to issue bonds to fund its outstanding indebtedness—was passed, all voting in the affirmative.

No. 21—authorizing school district No. 1, of Dickey county, to issue bonds to erect a school house—was unanimously passed.

No. 46—to authorize school district No. 3, of Brown county—to issue bonds for the erection of a school house—passed unanimously.

No. 45—to create and define the boundaries of Steele county—passed.

No. 101—to provide for the registration of births and deaths—recommitted to a special committee composed of Messrs. Washabough, Jerauld and McAuley.

No. 134—to establish a territorial normal school at Pembina—passed by a vote of nine to two.

No. 137—to amend the incorporation act of Mandan—passed unanimously.

No. 145—to authorize school district No. 6, of McCook county, to issue bonds for the erection of a school house—passed unanimously.

No. 173—to limit the liability of irrigating ditch owners and companies—passed.

No. 155—creating the county of Schnasse—passed, all present voting in the affirmative.

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

The council then adjourned.

House.

MONDAY AFTERNOON.

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

After some time spent in consideration of the order, the committee rose and reported house file 164—authorizing Union county to issue bonds—with amendments and a recommendation that it pass. The report was adopted.

Mr. Thompson moved that the rules be suspended and that house file 164 have its third reading and be put upon its passage. The motion prevailed and the bill was passed by unanimous vote.

ADJOURNMENT.

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

TUESDAY'S SESSION.

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 council bills 132, 142, 148, 164 and 197; also house files 12, 76, 110 and 154; also passed with amendments house files 96 and 149; also that council refused to concur in the house amendments to council bill 76; also that the council had passed a joint resolution relative to the printing of bills.

NOTICES OF BILLS.

By Mr. Choteau—to amend section 12 of the Deadwood incorporation act.

BILLS INTRODUCED.

By Mr. Rinehart—house file 207—to authorize the county of Lawrence to issue bonds to refund its outstanding indebtedness.

By Mr. Harvey—house file 206—to provide for payment for certain public printing.

By Mr. Wynn—house file 209—to le-

galize the acts of C. J. B. Harris as notary public.

By Mr. Ellis—house file 812—to authorize the commissioners of Union county to levy taxes for certain purposes.

COUNCIL BILLS

Council bill 76—to authorize the issue of bonds for permanent improvements to Sioux Falls penitentiary—returned amended from the council, came up for action. The amendment to the bill was the insertion of an enacting clause which had been omitted.

Mr. Inman moved that a committee of conference be appointed. Adopted and Messrs. Inman, Nowlin, Towser, Thompson and Tycheen appointed as such committee.

COUNCIL MESSAGE

A message was received from the council announcing the passage by that body of council bills 139, (substitute for council bill 85)—for the levy and collection of taxes on the property of railroad companies.

House file 96—establishing school district 49, Turner county as an independent school district—came up for action on council amendments.

On motion of Mr. Tycheen, the amendments were concurred in.

House file 149—to regulate the keeping of county, townships and precinct offices, returned amended from the council, was referred to the committee of the whole, on motion of Mr. Rinehart.

COUNCIL BILLS

The joint resolution originating in the council, relative to the printing of bills, was laid upon the table, on motion of Mr. Rinehart.

Mr. Nelson moved that the rules be suspended and that council bill 163—to provide for the levy and collection of taxes on the property of railroad companies—have its several readings and be placed upon its passage.

The motion was adopted and the bill passed, Messrs. Nowlin and Rice voting in the negative, Messrs. McCallister and Wagner not voting and all the rest voting in the affirmative.

The following council bills were given their first and second readings and were referred to committees as indicated:

No. 197—to amend, by inserting an enacting clause, the act authorizing the issue of bonds for permanent penitentiary improvements—judiciary.

No. 164—to amend section 8, chapter 84 laws of 1881, relative to judicial subdivisions—judiciary.

No. 148—to amend section 23, of chapter 39, of the political code—judiciary.

Council bill 142—to authorize the county treasurer of Yankton county to purchase and cancel county bonds other than railroad bonds—counties, towns and cities.

Council bill 132—to amend the incorporation act of the city of Vermillion—counties, towns and cities.

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

No. 163—to amend the act providing a board of education for the city of Fargo—passed by unanimous vote.

No. 60—to amend chapter 132 laws of 13th session—relative to taxation of telephone companies—passed unanimously.

No. 140—requiring sheriffs and other officers to make returns in certain cases—passed, Messrs. Fyatt and Rice voting in the negative, and all the rest voting in the affirmative.

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

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

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

No. 174—to revive and re-enact the act for the location of a territorial normal school—passed, Messrs. Rinehart, Van Woert and Rice voting in the negative, Messrs. Thompson and Tycheen being excused and the rest voting in the affirmative.

No. 139—to amend section 13, chapter two of the political code—passed unanimously.

No. 50—to authorize the supervisors of townships to issue bonds for grading, ditching, &c.—passed, Messrs. Rinehart and Tycheen voting in the negative and all the rest in the affirmative.

HOUSE BILLS

House file 303—to change the name of Clark Center to Clark—was referred to the committee on judiciary.

On motion of Mr. Rinehart, house bills on their first reading were given their second reading and reference, and under this suspension of the rules, the following house bills, introduced to-day, were referred to committees as indicated:

No. 207—to authorize Lawrence county to issue bonds to refund its outstanding indebtedness—mines and mining.

No. 208—to provide for the payment of certain public printing—appropriations.

No. 209—to legalize the acts of C. J. B. Harris as notary public—Indian affairs.

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

No. 210—to authorize the commissioners of Union county to levy a tax on certain property and appoint a commission to expend the same—under a suspension of rules, on motion of Mr. Inman, had its third reading and was passed by unanimous vote.

No. 185—to regulate the sale of intoxicating liquors—giving towns and cities the exclusive privilege of issuing licenses—was lost, Messrs. Nowlin, Fyatt, Rinehart, Robinson, Wagner and Wynn voting in the affirmative and all the rest in the negative.

No. 193—to legalize the organization of school district 19—passed by unanimous vote.

No. 112—to incorporate the town of Portland, Traill county—passed unanimously.

A PENITENTIARY BILL.

On motion of Mr. Choteau the house referred back to the order of introduction of bills, and Mr. Choteau intro-

duced house file 211—to provide for the issue of bonds for permanent improvements at the territorial penitentiary.

Mr. Rice moved that the rules be suspended the bill be given its several readings and put upon its passage. Lost.

Mr. Thompson moved that the rules be suspended, the bill be given its second reading and reference. Adopted.

The bill was then referred to the judiciary committee.

BILLS IN PRINTER'S HANDS.

Mr. Rinehart moved that the clerk be instructed to recall all bills in the hands of the public printer not printed. Lost.

Mr. Rinehart moved that house file 300, in the hands of public printer, be recalled. Adopted.

RECESS.

The house, at 11:40 a. m., took a recess until two o'clock p. m.

AFTERNOON SESSION.

The house reconvened at 2 p. m., Mr. Speaker in the chair, and immediately adjourned to ten o'clock Wednesday morning.

Session Notes.

There was considerable talk on the edges last night in reference to the scheme to appoint a commission upon the location of capital. The proposition is for the governor to appoint the commission and the council to confirm his nominations. It gained some strength last night, but appears to be more quiet to-day.

It may be that the city of Canton will have trouble in inducing any one to accept the office of treasurer. The proposed new city charter prescribes that "the treasurer shall keep an account of all monies or other things coming into his hands."

The house chaplain evidently had matters unusual on his mind this morning. He wanted to know what it would profit a man to gain the whole world and lose his own soul. Those present among the lobby throng who have felt that the capital was the whole world were perceptibly affected.

Mr. Jackson's council bill providing for the issue of bonds for permanent improvements at the Sioux Falls penitentiary passed both branches of the legislature without any enacting clause and the omission was discovered just before its enrollment. Amendatory measures have been introduced and the errors will be corrected.

The council bill which passed the house to-day relative to railroad taxation does not change the method of taxation now in vogue, but makes provision for tax collection and for the taxation of railroad lands.

Mr. Ellis put in a bill to-day in the house which was forwarded under suspension of the rules. It provides for the levy of a tax in Elk Point for the purpose of raising funds with which to litigate the bonding act whereby the township of Elk Point went in debt to secure the Dakota Southern railroad. Mr. Ellis introduced the bill by request.

Mr. Jerauld has a bill in the council which seeks to punish persons for selling adulterated liquor. It provides for the appointment of an official taster in each judicial district and it is said that great many applicants for places are coming to the front.

There is a lobby coming from Hyde county to protest against the chopping up of that county by parties who have a townsite scheme in their mind's eye.