



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fifty-Second Day.
Council.

The council convened at 10 a. m., Mr. President in the chair.

Prayer by the chaplain.

Roll call showed all members in their seats, except Mr. Walsh.

Journal read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Nickens moved an amendment to rule 2, and offered a resolution the consideration of which was postponed on motion until to-morrow morning.

INTRODUCTION OF BILLS.

Mr. Jackson asked to introduce council bill No. 207, not having given previous notice of the same, and the bill was received.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that council bill 169—providing for levying and collecting taxes on railroad companies; council bill No. 163—amending an act providing a board of education for the city of Fargo, &c.; council bills No. 174, 140, 139, 120, 125, 124 and 60 had been passed by the house unchanged. And also requesting the favorable consideration by the council of house files No. 163, 210, 193 and 112, which bills have been passed by the house. Also announcing that the house of representatives had refused to recede from its amendments to council bill No. 76—a bill for an act authorizing the issue of bonds for the purpose of making permanent improvements at the territorial penitentiary &c.—and had appointed a committee of conference, consisting of Messrs. Inman, Nowlin, Towner, Thompson and Tyehsen, to consider in conjunction with like committees of the council the matters in which the house disagrees in connection therewith.

The house also asked the return of house file No. 210 for their further consideration.

On consideration of the house message the chair appointed a committee of conference to act in conjunction with the committee from the house in the consideration of the bond bill for permanent improvements at the territorial penitentiary, and allowed the return of house file No. 210 as requested.

FIRST READING OF COUNCIL BILLS.

Council bills No. 206, 207 and 208 had their first reading and under a suspension of the rules went to their second reading and were referred to the proper committees.

SECOND READING OF COUNCIL BILLS.

Council bill No. 118 had its second reading, and on motion of Mr. Dewey, under suspension of the rules, went to its third reading and was passed by a unanimous vote.

PASSAGE OF BILLS.

The following bills, being acts for the incorporation of various town, had their third reading, and being put upon their final passage, were carried by a unanimous vote.

Council bill No. 162.
Council bill No. 153.
Council bill No. 118.
Council bill No. 123.
House file No. 133.
House file No. 181.

FIRST READING OF HOUSE FILES.

House files No. 112, No. 163 and 193, were read a first and second times and referred to the proper committees.

COMMITTEE OF THE WHOLE.

The council went into a committee of the whole for the consideration of reports of committees.

The committee to whom were referred council bills No. 157, 161, 68, 130, 150, 196, 167, 201, 189, 161, 171, 187, 160, 203, 166 and 158, and house files No. 165, 166, 184, 165, 174, 164, 183 and 121, reported the same back and recommended their passage and their reports were adopted. That house file No. 118 be considered in a committee of the whole and that house files No. 120 and 179 do not pass, which was adopted.

Council bill 193 was reported back without recommendation, and it was moved and carried that this committee recommend its passage.

House file No. 162 was reported with a recommendation that it do not pass, but on motion it was carried that the committee of the whole recommend its passage.

Council bill 179 was reported with a recommendation that it be made a special order, and it was moved and carried that it be made a special order for three o'clock this afternoon.

Council bills 171 and 172 were, on motion of Mr. Washabaugh, re-committed to the judiciary committee.

On motion of Mr. Dewey, council bill No. 186 was returned to the general file.

The committee of the whole rose and their report was adopted by the council.

By permission, Mr. Washabaugh introduced council bill 210, and Mr. Jorand council bill 209, and they were read a first and second times and referred to the judiciary committee.

RECESS.

The council then took a recess until two o'clock.

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. Wagner 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 council bills—

No. 116—to amend section 22, chapter 39, of the political code.

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

No. 129—to create the county of Bis-

bine and define the boundaries, and for other purposes.

No. 65—to revise and amend article 11 of the civil code, entitled of insurance companies.

Also the following house files passed: No. 153—to preserve the waters of the James river for domestic and drinking purposes.

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

No. 155—creating the county of Schenasse.

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

No. 66—to authorize the county of Mandan to issue bonds to fund its outstanding indebtedness.

No. 179—to limit the liability of irrigating ditch owners and companies.

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

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

No. 134—to establish a territorial normal school at Pembina—with amendments.

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

Also that the council had refused to concur in house file 48—to amend chapter 122, of the session laws of 1881, to prevent fraudulent voting and for the registry of electors.

THE EDUCATION BILL.

Mr. McCallister, from the committee on education, reported house file 189, to provide a uniform system of common schools, with a recommendation that it be made the special order for two o'clock p. m. to-day.

MOTIONS.

Mr. Inman moved that Colonel Wm. Thompson, of Bismarck, be granted the privileges of the floor. Adopted.

Mr. Inman moved that the vote by which council bill 169 passed the house yesterday be reconsidered.

Mr. Nelson moved that the motion be laid upon the table. Adopted.

Mr. Sterling moved that the clerk be instructed to request the council to return house file 210. Adopted.

INTRODUCTION OF BILLS.

By Mr. Choteau—house file 212—to amend the Deadwood incorporation act. Referred to committee on counties, towns and cities.

By Mr. Rice—house file 113—relative to the organization of a Moody county school district. Referred to the committee on counties, towns and cities.

By Mr. Phillips—house file 214—to provide for the construction of a court house and jail in Codington county. Referred to the committee on counties, towns and cities.

By Mr. Allred—house file 215—to amend the incorporation act of the village of Buffalo. Referred to the committee on counties, towns and cities.

By Mr. Lamb—house file 216—to authorize Grant county to issue bonds. Referred to the committee on counties, towns and cities.

COUNCIL AMENDMENTS.

House file 134, amended in the council, came up for action and the house concurred in the amendments, on motion of Mr. Nelson.

House file 45, amended in the council. The house refused to concur in the amendments, on motion of Mr. Benson, and the committee on counties, towns and cities was appointed a committee of conference.

COUNCIL BILLS.

The following council bills had their first and second readings (see foregoing council message) and were referred to committees as indicated:

No. 117—judiciary; No. 129—counties, towns and cities; No. 65—banking and insurance; No. 204—judiciary.

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

No. 29—referred back to the judiciary committee.

No. 173—to amend the charter of the city of Fargo—passed by unanimous vote.

No. 142—to authorize the treasurer of Yankton county to purchase and cancel bonds other than railroad bonds—passed unanimously.

No. 132—to amend the incorporation act of the city of Vermillion—passed unanimously.

No. 123—to amend article 12 of the justice code—passed unanimously.

No. 120—to establish the boundaries of Faulk and Potter counties—passed unanimously.

No. 56—to amend an act establishing a school district in Grand Forks county—passed unanimously.

No. 123—to enable owners of land to drain and reclaim it—passed. Messrs. Inman and Tyehsen negative, Mr. Phillips excused and rest affirmative.

No. 25—to prohibit the importation of Texas and Cherokee cattle—passed. Messrs. Bowman, Inman, Lamb, Pyatt, Riechart, Nowlin and Sterling negative and rest affirmative.

HOUSE FILES.

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

No. 176—to amend sections 384, 325 and 328 of the code of civil procedure—relating to exemptions on territorial affairs.

No. 180—to create the counties of DeLano, Pyatt, Sterling, Seobey, Cheyenne and Jackson—counties, towns and cities.

No. 186—to regulate the survey and marking of public highways—counties, towns and cities.

No. 191—to appropriate money to pay E. B. Dawson for services as chief clerk of the last legislative council—appropriations.

No. 190—to amend the incorporation act of Springfield—counties, towns and cities.

No. 196—to amend the law relative to grand juries—judiciary.

No. 170—to regulate the closing of flood gates in James river—judiciary.

No. 200—creating the office of assayer—misses and mining.

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

No. 159—to create the county of Benson and define the boundaries of the counties of Ramsey and De Smet—passed unanimously.

No. 206—to provide for the payment of certain public printing—passed, Messrs. Sterling and Thompson negative, Mr. Pyatt net voting and the rest in the affirmative.

No. 211—to authorize the issue of bonds for improvements at the Sioux Falls penitentiary—passed, Mr. Rinehart alone voting in the negative.

No. 171—to amend the election law—passed, Messrs. Inman, Rice and Robinson voting in the negative, Mr. McCallister being excused and the rest voting in the affirmative.

No. 194—to amend the Scotland incorporation act—passed, Messrs. McCallister, Rice, Thompson, Tychsen, Ellis, Nowlin, Inman, Bowman and Phillips voting in the negative, and the rest in the affirmative.

No. 199—to vacate Evans' addition to Pierre—passed, Messrs. Nowlin and Rinehart, and none others, voting in the negative.

BILLS SIGNED

The speaker announced that he had signed council bills 26, 70, 78, 92, 94, 97 and 126.

A RECESS.

Mr. Inman moved that the house adjourn—lost.

Mr. Towner moved that the house take a recess until two o'clock, p. m.

Mr. Inman moved as an amendment to the motion that the house take a recess until three o'clock p. m.

The amended motion was adopted and the house, at 11:25 a. m. took a recess until three o'clock p. m.

AFTERNOON SESSION.

The house re-convened at three p. m., Mr. Speaker in the chair.

The speaker announced that he had signed council bill 139.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage by that body of house file 133—incorporating the city of Huron—and council bill 190—to appropriate funds for a territorial university for northern Dakota.

COMMITTEE OF THE WHOLE.

The house, on motion of Mr. Rice, at 3:05 p. m., went into the committee of the whole on the general order, Mr. Inman in the chair.

At 3:15 the committee rose and reported house file 189—for a uniform system of common schools—with a recommendation that it pass with certain amendments.

ADJOURNMENT.

The house, at 3:20 p. m., on motion of Mr. Wynn, seconded by Mr. Inman, adjourned to ten o'clock Friday morning.

Session Notes.

During the period of the capital removal agitation it has been apparent to close observers that there was being worked an inside scheme by a syndicate of capitalists to secure the location of the capital upon some tract of ground owned by them. The interests of the people of the coming state were to be made secondary to the interests of the ring, which is strong in a financial sense. With this plan in view they have worked persistently. The organization is said to be composed largely of northern men, with a couple of federal officials thrown in as seasoning. Their particular scheme has been the commission bill—that is a measure providing for the appointment by the governor of a commission, by and with the consent of (a majority of) the legislative council, to locate the capital of Dakota. Each member of the council, as the matter is understood by outsiders, who votes for the measure, is to be given the privilege of naming a member of the commission and a couple more are to be named by persons who are not members of the legislature, but who occupy positions of influence. The bill is skillfully drawn and while it provides on its face for a commission to determine where the capital is to go, it locates it in effect at Ordway, in Brown county. This information we give in accordance with our best understanding of the subject and we have reasons for believing that we are not far from the truth. The bill was constructed by a federal official who lives in Yankton, who is in the scheme, and he has given it such careful attention that it probably covers all the points aimed at by the syndicate. The original design was to put the capital out on the prairie somewhere in Miner county, but this arrangement was changed and a concentration of efforts was made on Ordway, Brown county, with excellent success. The bill was to have been introduced in the house this morning, but at the last moment it was discovered that two or three parties relied upon were shaky and it was deferred until a certain federal official could be brought around to brace them up. The men who compose this capital removal syndicate represent a capital of somewhere near a million of dollars. It is said that they have already received the refusal of a large tract of land at, or near, Ordway, enough to make them all independently wealthy if they can sell it on a capital boom. Money expended in the consummation of this scheme is not grudgingly given, and it is a matter of common report that a few thousand for a vote is open for engagements. The movement is strongly backed in the legislature, but whether or not it will pass we can not say. We give these points as they have been gathered from various sources, and if we did not deem them in the main correct we would not put them before the public. As a part of the current news of the day, our readers are entitled to all we can gather on this important subject. This is the only popular capital removal scheme now occupying the attention of the parties interested and it is the out-

come of the bad break made by our Huron neighbors. The people of Dakota, outside the syndicate, are somewhat interested in the subject. What will they say to a scheme which is reeking with corruption?

There was considerable subdued excitement in the house this afternoon. It was the plan of the capital syndicate to first make a motion and carry it, giving a majority of the house the power to suspend rules. Then the bill constructed in the interest of the combination was to be introduced and put through its several readings and passed. Matters went along solemnly enough through a committee of the whole consideration of the regular order, and at its conclusion Mr. Wynn rose and moved that the house adjourn. Mr. Inman quickly seconded the motion and it was passed. This was an indication of a clear majority in the house against the combination fixed up by the capitalists. The legislative day which was ushered in with so much promise for the interests of the Ordway manipulators closed with a decided victory for the opponents of the syndicate scheme. Unless the influence of the townspeople crowd is potent during to-night, the house will hardly consent to the proposed arrangement.