



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fifty-Fourth Day.

Council.

SATURDAY AFTERNOON.

The council re-convened at two p. m. Mr. President in the chair.

Mr. Dewey introduced council bill 217—to provide for the appointment of county clerks and to define their duties—read first and second times and returned to the general file.

Mr. McCauley was excused from the day's attendance.

COMMITTEE OF THE WHOLE.

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

When the committee arose it reported sundry bills and recommendations thereon.

The report of the committee was adopted.

COUNCIL BILLS.

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

No. 177—to provide a commission to examine the financial condition of Yankton county, etc.—passed by unanimous vote.

A VETO.

A message was received from the governor vetoing council bill 68—providing for the issue of \$15,000 bonds for the normal school at Springfield.

Mr. Ziebach moved the bill, with the governor's objections be made a special order for Monday at two o'clock p. m. Adopted.

ADJOURNMENT.

The council then adjourned to ten o'clock Monday morning.

Fifty-Sixth Day.

Council.

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

Prayer by the chaplain.

The roll call showed all members in their seats. The clerks being absent, Mr. Dewey called the roll. He also commenced reading the journal, when Mr. Jerauld moved that the sergeant-at-arms be sent for the clerks. Pending the adoption of the motion, the clerks came in.

HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of council bills 108, 134, 164 and 212; also house files 123, 226, 200, 203, 106 and 217.

RESOLUTIONS.

Mr. Dewey introduced a resolution, and moved its adoption, instructing the sergeant-at-arms to exclude all intruders from the room of the enrolling clerk;

also that the chairman of the engrossing committee report the number and names of clerks employed.

Mr. McCauley, chairman of the enrolling committee, said he did not see how the clerks could work in the room under the present condition of things there and he hoped the resolution would pass.

The resolution was adopted by unanimous vote.

COUNCIL BILLS.

The following council bills, introduced this morning, had their first and second readings and were referred to committees as indicated:

By Mr. Jerauld—No. 218—to regulate the time for assessing property—judiciary committee.

By Mr. Jerauld—No. 219—providing for drawing and summoning grand and petit juries—judiciary committee.

By Mr. Jerauld—No. 220—to amend the incorporation act of the village of Canton—incorporations committee.

By Mr. Jerauld—No. 221—to provide for the insurance of the territorial library—insurance, banks and banking committee.

By Mr. Walsh—No. 222—to amend the apportionment act—special committee on apportionment.

By Mr. Jackson—No. 223—to create the independent school district of Dell Rapids—education committee.

No. 188 had its second reading and was referred to the committee on judiciary. It provides for the appointment of a public examiner.

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

No. 43—to create the office of county auditor in certain counties—was passed by unanimous vote.

No. 88—to regulate the practice of pharmacy, &c.—lost. Messrs. Burdick, Dewey, Ziebach and Mr. President voting in the affirmative and all the rest in the negative.

No. 143—to authorize the issue of bonds for the construction of a hospital for the insane at Jamestown—laid aside to wait for the preparation of amendments.

No. 159—to amend subdivision 10, section 9, chapter 12, laws 1879—passed unanimously.

No. 158—to authorize school district two, Kidder county, to issue bonds—passed unanimously.

No. 186—providing a salary for county treasurers—was lost, Messrs. Burdick, Dewey, Washabaugh and Mr. President voting in the affirmative.

No. 206—to regulate the transportation of freight—passed unanimously.

No. 215—to fix the salary of county superintendents of public schools in Grand Forks county—passed unanimously.

No. 207—authorizing the village of Sioux Falls to pay John D. Cameron for losses in building a school house—passed unanimously.

A NEW BILL.

Mr. Ziebach introduced council bill 224—to provide funds for the payment

of printing ordered by the legislature by joint resolution.

HOUSE FILES.

The following house files came up, from house message delivered this morning, for their first reading, and were read a first time:

No. 106—to incorporate the city of Hillsboro.

No. 128—to incorporate the city of Vally City.

No. 200—creating the office of assayer.

No. 217—to provide for the appointment of a commission to locate the capital of Dakota.

No. 203—to change the name of Clark Centre to Clark.

No. 226—to appropriate funds for the construction of a normal school at Madison—had its several readings and was passed, Mr. Jerauld alone voting in the negative.

House file 112—to incorporate the village of Portland—passed by unanimous vote.

House file 164—to authorize Union county to issue bonds—passed by unanimous vote.

COMMITTEE OF THE WHOLE.

The council, at 11:10 a. m. went into committee of the whole, on the reports of committees, Mr. Jackson in the chair.

At twelve o'clock the committee rose and reported sundry bills with recommendations.

FINAL DISPOSITION.

On motion of Mr. Dewey, council bill to provide for the appointment of a county clerk in Yankton county—had its several readings, under a suspension of the rules, and was passed by unanimous vote.

House file 189—to create the counties of Delano, Pyatt, Scooby, Sterling, Martin and Jackson, passed by unanimous vote.

Council bill 175—to create the county of Sterling—was indefinitely postponed.

RECESS.

The council, at 12:10 p. m., took a recess until two p. m.

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 Messrs. Lamb and Robinson.

The journal was read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had vetoed the house file establishing a normal school at Madison, and recommending the creation of a commission for the selection of locations for normal schools.

Mr. McCallister moved that further consideration of the message be deferred until Wednesday at 11 a. m. Carried.

BILLS SIGNED.

The chair announced that he had signed house files 123, 46, 84 and 124.

BILL ENROLLED.

Mr. Pyatt, from the committee on enrolled and engrossed bills, reported house file 24 correctly enrolled.

Mr. Benson moved that Sheriff McFadden, of Barnes county, be given a seat within the bar of the house—carried.

Mr. Thompson moved all bills on their first reading be given their second reading and be referred to appropriate committees—carried.

INTRODUCTION OF HOUSE FILES.

By Mr. Ellis—No. 231 creating the office of attorney general.

By Mr. Harvey—No. 232, providing for the local taxation of railroads.

By Mr. Townner—No. 233, creating the county of Wynn.

Mr. Inman moved a suspension of the rules and that house file No. 231, creating the office of attorney general, be put on its third reading and final passage.

A motion that Mr. Inman's motion be laid on the table was lost. The motion was carried and the bill being read a third time was passed by the following:

Voting aye, Allred, Benson, Choteau, Ellis, Harvey, Inman, Nelson, Phillips, Sterling, Thompson, Townner, Van Woert, Wagner and Mr. Speaker, 14.

Voting nay, Bowman, McAllister, Nowlin, Rice, Rinchart, Tychsen, and Wynn, 7.

Mr. Thompson moved the vote be reconsidered and that the motion to reconsider be laid on the table. The ayes and noes being called it was carried by the same vote.

No. 232—relative to the taxation of railroads.

Mr. Inman moved that it be made the special order for March 9th.

Mr. Thompson moved to lay the motion on the table; and the ayes and noes being called it was carried by a vote of thirteen to nine.

It was moved that it be referred to the committee on territorial affairs.

Mr. Bowman moved to amend by referring it to committee on railroads.

Mr. Rice thought the house was prepared to vote on the bill and moved that the motion and amendment be laid on the table, which was lost.

Mr. Bowman's amendment was then lost and the original motion being carried the bill was referred to the committee on territorial affairs.

No. 233—creating the county of Wynn.

Mr. Nelson moved that it be read by its title and referred—carried. It was so referred to the committee on counties, townships and cities.

Mr. Nelson moved that the vote be reconsidered by which it was referred. Carried.

Mr. Nelson asked for the reading of the bill at length, and moved that it be put on its final passage—carried.

It was so read and passed, all voting in the affirmative.

ENROLLED BILLS.

Mr. Pyatt, from the committee on enrolled and engrossed bills, reported house files Nos. 145, 153 and 125 correctly enrolled.

SECOND READING OF COUNCIL BILLS.

The following council bills were read a second time and referred to committees as indicated when not otherwise disposed of:

No. 208—establishing an independent school district in Minnehaha county.

Mr. Inman moved that the rules be suspended and that it be given its third reading and be put on its final passage. Carried.

It was so read and passed by a vote of twenty-one to one.

No. 145—creating a tax commission. Mr. Rinehart moved it be referred to the committee on mines and mining. Carried. It was so referred.

No. 163—regulating the purchase or leasing of railroad property in certain cases—judiciary.

No. 158—to annex certain territory to the Vermillion city school district.

Mr. Inman moved a suspension of the rules and that it be given its third reading and be put on its final passage. Carried.

It was so read and passed, all voting in the affirmative.

No. 182—to vacate the townsite of Garfield.

Mr. McCallister moved a suspension of the rules and that the bill be given its third reading and be put upon its final passage. Carried.

It was so read and passed, all voting in the affirmative.

No. 181—to reimburse Martin & Anderson—committee on penal and charitable institutions.

BILLS SIGNED.

The chair announced that he had signed house files Nos. 21, 225, 153 and 145.

PASSAGE OF COUNCIL BILLS.

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

No. 196—to authorize the county of Dickey to fund its indebtedness. Passed, all voting in the affirmative.

No. 89—authorizing school district No. 7 of Cass county, to issue bonds to erect a school house. Passed as amended, all voting in the affirmative.

No. 91—providing bounties for the killing of wolves and other animals—lost, all voting in the negative except Messrs. Ellis, Pyatt, Phillips, Thompson, Towner, Tychsen, Van Woert, Wyman who voted aye and Mr. Wagner excused.

No. 192—regulating instruction in the public schools—lost, all voting in the negative except Messrs. Choteau, Iaman, Nowlin, Rice, Tychsen, and Mr. Speaker.

No. 201—increasing the salary of the territorial treasurer to \$2,000 per annum—passed, all voting in the affirmative.

No. 116—regulating the foreclosure of mortgages by advertisement—lost, all voting in the negative except Messrs. Nowlin and Towner.

No. 29—to legalize the election of township officers in the territory. Passed all voting in the affirmative.

No. 148—to amend chapter 28 of the political code, passed all voting in the affirmative.

No. 204—to repeal section 3 chapter 21 of the laws of 1881. Passed all voting in the affirmative.

No. 90—to amend section 607 of the civil code. Passed all voting in the affirmative.

No. 86—to amend section 546 article 14 of the civil code. Passed by a vote of 16 to 4.

No. 111—legalizing the incorporation of Casselton. Passed all voting in the affirmative.

No. 10—providing for fire escapes in public buildings was passed with amendments all voting in the affirmative except Mr. McCallister who was excused.

No. 117—to amend section 22, chapter 39—on motion was referred to committee of the whole.

SECOND READING OF HOUSE FILES.

The following house files were read a second time and referred to committees as indicated.

No. 204—changing the second and fourth judicial districts—judiciary.

No. 19—authorizing school district No. 3 of Hand county to issue bonds for the erection of a school house—counties, townships and cities.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills No. 90 prohibiting the sale of adulterated liquors.

No. 96—authorizing Spink county to fund its outstanding indebtedness.

No. 92—providing for the erection of a school for deaf mutes. No. 95—to provide for a system of uniform text books; No. 177, appointing commissioners to enquire into the financial condition of Yankton county; No. 108, regulating the salary of the superintendent of public instruction and creating the office of assistant; No. 210, to amend section 656, article 3, chapter 4 of the civil code; No. 202, memorializing congress to delegate authority to the legislature to grant charters to insurance and other corporations; also the passage of house file 226, 193, 195, 211 and 167; also that it had refused to concur in house amendments to council bills 17 and 18.

PASSAGE OF COUNCIL BILLS.

The order of third reading of council bills was reverted to and the following bills were read and disposed of as indicated:

No. 39—creating the office of district attorney, passed all voting in the affirmative except Ellis, Pyatt, Sterling, Phillips, Towner, Van Woert, Wagner and Mr. Speaker, who voted no, and Mr. McCallister excused.

Mr. Thompson moved to reconsider the above vote.

Mr. Rice moved that the motion be laid on the table, which was carried.

The second reading of house files was resumed.

No. 185—counties towns and cities.

No. 206—to amend section 336 of the civil code—judiciary.

No. 201—legalizing the acts of the commissioners of Lawrence county.

Mr. Bowman moved that the rules be suspended and that it have its third reading and be put upon its final passage—carried.

It was so read and passed, all voting in the affirmative except Messrs. Nowlin, Rice, Tychsen and Mr. Speaker—who were excused.

No. 205—to preserve the waters of Rapid Creek from pollution.

Mr. Nowlin moved a suspension of the rules and that it be put on its final passage—carried.

It was read (and passed, all voting in the affirmative.

Mr. Sterling moved house file 187 be put on its final passage—which was carried. It was read and passed, all voting in the affirmative.

RECESS.

Mr. Bowman moved that the house take a recess until 2 p. m., which motion prevailed.

Session Notes.

The bill to locate the seat of government of Dakota where it will do the most good to the interested capitalists came into the council this morning and was given its first reading. The council is more conservative than the house and it received the bill calmly and without any departure from the usual order permitted to remain where it belonged, in its order for second reading and reference to committee to-morrow. On Wednesday it will probably be reported back and that is the day it will naturally come upon its third reading and final passage. There will be no suspension of the rules and undue haste in the council. The members of that body seem disposed to let nature take its course.

The council to-day passed a council bill which provides that the office of register of deeds and county clerk for Yankton county be separated and that hereafter they remain distinct from each other. The clerk is first to be appointed by the county commissioners and afterwards to be elected by the people.

The council bill to increase the salary of the superintendent of the insane asylum from \$1,500 to \$2,000 was reported from the council committee of the whole to-day with a recommendation that it pass. It was amended in committee of the whole so as to provide that there be no increase in the salary of the assistant superintendent.

The railroad taxation bill introduced and passed in the house to-day under a suspension of the rules, is not favored by the northern members and they do not feel like being held responsible for it though it was introduced by one of their delegation. Its provisions do not accord with their views.

In the council this afternoon Messrs. Dewey, Jackson, McIntosh and Ziebach were absent for a few moments, leaving Messrs. Jerould and Washabaugh as the only members present who are opposed to the commission capital bill. Mr. Nickeus moved a suspension of the rules and a reference of the capital removal bill to a committee. Without the presence of the absentees a two-thirds majority could have been secured to suspend the rules, but Mr. Washabaugh moved a call of the house and stopped proceedings until the other members got there. The effort to suspend the rules was defeated.