



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fifty-Sixth Day.
Council.

MONDAY AFTERNOON.

The Council reconvened at two o'clock, Mr. President in the chair.

Mr. Nickens moved that the rules be suspended and that the Council revert to the order of their reading of bills. The motion was lost—3 to 5.

Mr. Nickens explained that there were house files (one of which is the capital bill) on their first reading which should have gone to their second reading and reference if there was no objection.

The President ruled that having passed that order he could not now order a second reading of house files.

Mr. Dewey called up council bill 143—authorizing the issue of bonds for the construction of an insane asylum at Jamestown. The bill was amended and passed by unanimous vote.

On motion of Mr. Washabaugh consideration of the governor's veto message on council bill 83, was postponed until three o'clock to-morrow.

The Council took a recess until seven o'clock p. m.

EVENING SESSION.

The Council reconvened at seven p. m., Mr. President in the chair.

The consideration of council bill 152—to provide for the organization of civil townships—was proceeded with.

After the adoption of several amendments thereto, the Council adjourned to ten o'clock Tuesday morning.

Fifty-Seventh Day.

Council convened at 10 o'clock a. m., Mr. President in the chair.

Prayer by the Chaplain.
The roll call showed all members in their seats.

The Journal was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House announcing the passage by that body of sundry bills.

THE FREIGHT BILL.

Mr. Washabaugh moved that the vote by which council bill 206—relating to freight charges—passed, be reconsidered.

Mr. Roberts moved that the motion to reconsider be laid upon the table. Adopted.

CONCURRED IN.

The Council concurred in house amendments to council bills 89, 86, 39 and 204.

COUNCIL BILLS.

Council bill 225—introduced by Mr. Roberts—to amend section 26, chapter 28, of the political code—had its first and second reading and was referred to the judiciary committee.

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

No. 162—relating to the organization of civil townships—returned to the general file for consideration in committee of the whole.

No. 182—to amend section 28, chapter 21 of the political code—lost, Mr. Washabaugh and Mr. President and none other voting in the affirmative.

No. 183—authorizing district attorneys to appear in supreme court in behalf of the territory or counties—lost by a vote of nine to three.

No. 184—providing for the appointment of agents to receive service for non-resident executors, guardians, &c—passed unanimously.

No. 189—to amend section 17 of the justice code—passed unanimously.

No. 191—to extend the provisions of the township law so that townships may grant liquor licenses—passed unanimously.

No. 194—to prevent the sale of intoxicating liquors within 900 yards of the Yankton college—passed unanimously.

No. 200—to amend the herd law so that trespassers on school and university lands shall have no protection from the law.

There was a long discussion over this measure and it then passed, Mr. Roberts alone voting in the negative.

No. 233—to increase the salary of the superintendent of the insane asylum—passed, Messrs. Jerauld, Washabaugh and McCauley, and none others, voting in the negative.

HOUSE FILES.

House file 230—to authorize school district five of Morton county, to issue bonds—had its several readings, under suspension of the rules, and was passed unanimously, Mr. Washabaugh being excused.

House file 227—to authorize the village of Egan to issue bonds for the construction of a mill—under suspension of the rules, had its several readings and was passed, Messrs. Jackson, Jerauld and Nickens, and none others, voting in the negative.

House file 237—to authorize the city of Bismarck to issue school house bonds—under suspension of rules, passed unanimously.

House file 74—to legalize an election of county officers in Douglas county by the people—under suspension of rules, passed, Messrs. Roberts and Walsh voting in the negative.

House file 196—providing that grand juries shall consist of from sixteen to twenty three persons—under a suspension of the rules, was passed unanimously.

House file 128—to incorporate the city of Valley City—under suspension of the rules, was passed unanimously.

House file 106—to incorporate the city of Hilleboro—under suspension of the rules—was passed unanimously.

House file 204—to change the name of Clark Center to Clark—under suspension of the rules, passed.

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

No. 201—to legalize the acts of the Lincoln county commissioners—under a judicial committee.

No. 205—to prevent the corruption of the waters of Rapid creek—mines and mining committee.

No. 229—to legalize the acts of Win. R. Gosnell as notary public—judiciary committee.

No. 199—to authorize school district three, Hand county, to issue bonds—appropriations committee.

No. 202—to relocate certain parts of a territorial road in Lake county.

No. 192—to authorize the commissioners of Hughes county to fund outstanding indebtedness—committee on counties.

No. 231—to create the county of Wyan—committee on counties.

No. 234—to authorize the sale of certain land for normal school purposes at Madison—education committee.

No. 235—to legalize the incorporation of the town of Madison—incorporations committee.

No. 236—relating to the townsite of Bismarck—incorporations committee.

No. 231—to create the office of attorney general—judiciary.

No. 220—to amend section 1,284, civil code—judiciary committee.

No. 172—to amend section 41, chapter 23 laws of 1879—judiciary committee.

No. 191—to provide payment to E. B. Dawson, as chief clerk of the Council in 1881, for extra service—appropriations committee.

No. 169—to amend paragraph five, section 343, code of criminal procedure—judiciary committee.

No. 221—to change the location of the county seat of Traill county—judiciary committee.

No. 218—defining the boundaries of Stanley county—judiciary committee.

No. 219—defining the boundaries of Brule county—committees on counties.

No. 212—to amend the incorporation act of the city of Deadwood—committee on mines and mining.

No. 198—to create the counties of Washington, Washabaugh, Martin, &c—committee on counties.

No. 213—to establish an independent school district in Moody county—education committee.

No. 200—creating the office of assayer—committee on mines and mining.

CAPITAL REMOVAL.

House file 217—providing for the appointment of a commission to locate the capital of Dakota—came up on its second reading and reference to committee.

Mr. Dewey moved that the bill be referred to the committee on territorial affairs.

Lost by the following vote:

Ayes—Messrs. Dewey, Jackson, McIntosh, Washabaugh and Ziebach—5.

Nays—Messrs. Burdick, Jerauld, McCauley, Nickens, Roberts, Walsh and Mr. President—7.

Mr. President then announced that the bill was referred to the select committee created by the president to consider the bill for the removal of the capital to Huron.

Mr. Washabaugh said he did not understand that the chair had authority to refer to a special committee, created early in the session for another purpose, the bill which had just come up for reference, unless he was so authorized by a majority vote of the Council. The president could refer it to any standing committee unless objection was interposed, but he could not re-create a special committee, appointed for other work without authority of the Council.

Mr. Nickens asked how it happened that the special committee, to whom the president proposed to refer the bill, came into existence, if not by the authority of the Council.

Mr. Dewey moved an appeal from the ruling of the president and it was seconded. He said the special committee to whom the president proposed to refer the bill was not created for the purpose of considering all matters relative to the removal of the capital—it was a committee for a special purpose and that purpose was the consideration of the bill to remove the capital to Huron. The president could not, of his own volition, refer this bill to a special committee appointed for another purpose. The ruling of the president was therefore incorrect. The president assumed powers he did not possess when he sent a bill to a special committee without the order of a majority of the Council.

Mr. Nickens moved to lay Mr. Dewey's appeal upon the table.

Mr. Dewey rose to a point of order—a motion for an appeal from a decision could not be laid upon the table.

The President sustained the point of order.

Mr. Burdick stated that the resolution of instructions to the special committee appointed to consider the Huron bill covered the whole ground.

Mr. Dewey called for the reading of that particular resolution.

The President ruled that the motion was out of order.

The ayes and noes were then called upon Mr. Dewey's appeal from the decision of the president refusing the bill to the special committee created for the purpose of considering the Huron bill, and it was defeated by the following vote:

Ayes—Messrs. Dewey, Jackson, McIntosh, Washabaugh, Ziebach—5.

Nays—Messrs. Burdick, Jerauld, McCauley, Nickens, Roberts, Walsh and Mr. President—7.

The bill then went to the special committee.

HOUSE FILES.

House file 208—to provide payment for printing bills not paid for by the general government—passed, Messrs. Burdick and Roberts, and none others, voting in the negative.

House file 157—to authorize Bon Homme county to issue bonds—passed unanimously.

House file 182—to authorize a change in the location of the county seat of Bon Homme county—was lost, Messrs. Burdick, Jerauld, Nickens and Walsh voting in the affirmative.

COMMITTEE OF THE WHOLE

The council at noon, went into committee of the whole, Mr. Jersald in the chair.

After the consideration of sundry measures, the committee rose and reported them and the council took a

RECESS,

until two o'clock p. m.

House.

MONDAY AFTERNOON.

The house convened at two p. m. Mr. Speaker in the chair.

SECOND READING OF HOUSE FILES.

The following house files were read a second time and referred to committees as indicated, unless otherwise disposed of:

No. 227—to authorize the village of Egan to issue bonds for certain purposes.

Mr. Rice moved a suspension of the rules and that it be put on its final passage. Carried.

The bill was so read and passed unanimously.

No. 229—to legalize the acts of Wm. B. Goodfellow as notary public.

Mr. Nelson moved the bill be put on its final passage. Carried.

The bill was so read a third time and passed unanimously.

No. 228—to define the boundaries of Dodge county—counties, towns and cities.

No. 202—to change the territorial road in Lake county.

Mr. McCallister moved a suspension of the rules and that it be put on its final passage. Carried.

It was read and passed unanimously. No. 195—authorizing Hughes county to refund its outstanding indebtedness.

Mr. Sterling moved a suspension of the rules and that it be put on its final passage. Carried.

It was read a third time and passed unanimously.

No. 187—to establish a normal school at Buxton—committee on education.

No. 230—authorizing school district 5 of Morton county to issue bonds for the erection of a school house—was passed under a suspension of the rules, all voting in the affirmative.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bills No. 217—creating a county clerk for Yankton county, also the passage of house file 18, creating the counties of Delano, Scobey, Pyatt, Sterling, Nowlin and Jackson.

BILLS ENROLLED.

Mr. Choteau from the committee on engrossed and enrolled bills reported house files Nos. 58 and 184 correctly enrolled.

BILLS SIGNED.

The speaker announced that he had signed council bills Nos. 122, 190, 212 and house files 184 and 58.

PASSAGE OF HOUSE FILES.

The following house files were read a third time and on being put on their final passage were disposed of as indicated:

No. 213—to amend section 1 chapter 62 of the laws of the 14th session, was passed unanimously.

No. 198—creating the counties of Washington-Martin, Wagner, Rhinehart, Choteau and Washabough was passed, all voting in the affirmative except Mr. Wagner.

No. 212—amending the act incorporating Deadwood was passed unanimously.

No. 210—defining the boundaries of Brule county was passed unanimously.

No. 218—defining the boundaries of the county of Sterling, was passed unanimously.

No. 221—to change the county seat of Traill county, passed unanimously.

No. 191—to provide for the payment of extra compensation to E. B. Dawson for services as chief clerk of the last house was passed by a vote of ten to nine.

No. 220—to amend section 1287 of the civil code, passed unanimously.

No. 74—to legalize an election in Douglas county. Mr. Robinson moved the substitute offered by the judiciary committee be adopted. Carried. No. 74 substitute was then passed unanimously.

No. 169—to amend section 343 of the criminal code, passed by a vote of ten to nine.

No. 172—to amend section 41 of chapter 23 of the law of 1879—passed by a vote of 13 to 6.

No. 106—to amend section 163, chapter 2, title 5 of the criminal code—passed by a vote of 13 to 6.

No. 170—to regulate the closing of flood gates in the James river—was lost, all voting in the negative except Mr. Phillips.

TUESDAY MORNING.

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, except Mr. Lamb.

The journal was read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had vetoed house file No. 142, creating a school of mines and giving his reasons therefor.

Mr. Nowlin moved that further consideration of the message be deferred until two, p. m., when it be made a general order. Carried.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bills No. 43—creating the office of county auditor; No. 143—to authorize the issue of bonds to provide funds for the erection of the Jamestown insane asylum; No. 159—to amend subdivision 10, section 9, chapter 12 of the laws of 1879; No. 206—regulating freight and passenger tariff on railroads; No. 207—to authorize Sioux Falls to reimburse John D. Cameron for the erection of a school house; No. 215—providing compensation for the office of superintendent of public instruction for Cass and Grand Forks counties; No. 58—to authorize school district No. two, of Kidder county, to issue bonds; also the passage of house

file 112—incorporating the village of Portland, and the passage with amendments of No. 164—authorizing Union county to issue bonds.

Mr. Thompson moved that all bills on their first reading be read a second time and referred. Carried.

INTRODUCTION OF HOUSE FILES.

By Mr. Benson—No. 238—a supplementary bill to the bill creating the county of Sergeant.

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

It was so read and passed unanimously.

By Mr. Sterling—No. 239—to protect fish in the waters of Dakota.

Mr. Rice moved a suspension of the rules and that it be put on its final passage. Lost.

By Mr. Robinson—No. 240—amending the act incorporating the village of Scotland.

Mr. Robinson moved a suspension of the rules and that it be put on its final passage. Carried.

It was read and passed unanimously.

By Mr. Townner—No. 241—defining the boundaries of the county of Nelson.

Mr. Townner moved a suspension of the rules and that it be put on its final passage. Carried.

It was read by its title and passed unanimously.

By Mr. Williams—No. 242—amending the act incorporating Bismarck.

Mr. Wynn moved a suspension of the rules and that the bill be put on its final passage. Carried.

It was read and passed unanimously.

CONSIDERATION OF COUNCIL MESSAGE.

Mr. Inman moved that the house concur in the council amendments to house file 164 authorizing Union county to issue bonds for refunding its indebtedness—Carried.

Mr. Thompson moved the house concur in civil amendments to house file 167 to protect game—Carried.

FIRST READING OF COUNCIL BILLS.

The following council bills were read a first time:

No. 215—regulating the salary of superintendent of public schools in Grand Forks and Cass counties.

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

It was read a second and third time and passed unanimously.

No. 210—to amend section 666 article 3 of political code.

On motion of Mr. Sterling it was given its two readings under a suspension of the rules—and passed unanimously.

No. 207—authorizing Sioux Falls to reimburse J. D. Cameron for erecting a school house.

On motion of Mr. Thomson it was given its two readings under a suspension of the rules—and passed unanimously.

No. 206—On motion was read a second time and referred to the committee on territorial affairs.

No. 202—a memorial asking congress to authorize the legislation to grant charters to insurance companies.

Mr. Rice moved it be given its second reading and be referred to the committee on banks and insurance—carried. The bill was so referred.

No. 168—fixing the salary of the superintendent of public instruction and creating the office of assistant.

On motion it was read a second time and referred to the committee on education.

No. 195—providing for a uniform system of text books.

Mr. Rhinehart moved that further consideration of the bill be indefinitely postponed. The ayes and noes being called the motion was carried.

—all voting in the affirmative except Messrs. Alfred, Ellis, Harvey, Inman, McCallister, Pyatt, Thompson, Townner and Tyebson.

No. 147—creating a commission to investigate the finances of Yankton county.

Mr. Pyatt moved it be given its second reading and be referred to appropriate committee. Carried. It was so read and referred to committee on charitable and penal institutions.

No. 168—authorizing school district two, of Kidder county, to issue bonds.

Mr. Thompson moved a suspension of the rules and that the bill be put on its final passage. Carried.

It was read and passed unanimously.

No. 169 was on motion read a second time and referred to the committee on judiciary.

No. 143—to authorize the issuing of bonds for the erection of the Jamestown hospital for the insane.

Mr. Townner moved it be put on its passage under a suspension of the rules. Lost.

Mr. Thompson moved it be given its second reading and referred. Carried.

It was so read and referred to the committee on territorial affairs.

No. 176—to authorize the refunding of the indebtedness of Spink county.

Mr. McCallister moved it be read a second time and referred. Carried.

It was so read and referred to the committee on counties, townships and cities.

No. 90—to prohibit the sale of adulterated liquors.

Mr. McCallister moved the rules be suspended and that it be read a second time and referred. Lost.

Mr. Rhinehart moved it be read and referred to the committee on charitable and penal institutions. Lost.

Mr. Nelson moved it be read by its title and referred to the judiciary committee. Lost.

Mr. McCallister moved further consideration be indefinitely postponed. Lost.

The bill was then read at length and on motion of Mr. Thomson referred to the committee on charitable and penal institutions.

BILLS SIGNED.

The chair announced that he had signed council bills 163, 142, 103, and 98, and house files 137, 133, 199, 174, 166, 143, 46 and 121.

The first reading of council bills was resumed.

No. 124—creating the office of county auditor in certain counties.

Mr. McCallister moved it be read a second time and referred—carried.

It was so referred to the committee on judiciary.

PASSAGE OF COUNCIL BILLS.

The following council bills were read a third time and on being put on their final passage were disposed of as indicated:

No. 106—creating Roberts county—passed as amended by committee on counties, townships and cities, all voting in the affirmative.

No. 107—authorizing school district No. 2, county of Barnes, to issue bonds for the erection of a school house—passed unanimously.

No. 107—repealing chapter 70, of the laws of 1881, lost by a vote of nine to eleven.

No. 102—providing for the issue of bonds for the erection of a main building for the deaf mute asylum—passed unanimously.

Mr. Thompson moved the vote be reconsidered and that the motion be laid on the table. Carried.

The house, then took a recess until two o'clock p. m.

No. 105—to amend section 23 of chapter 59 of the political code was referred to a committee of the whole house.

RESOLUTION.

Mr. Nelson introduced the following resolution:

Be it resolved, by the house of representatives of Dakota, the honorable council concurring that His Excellency be requested to return to the chairman of the committee on enrolled and engrossed bills, house file No. 92 creating the county of Nelson, for the purpose of correcting an error in description.

The resolution was adopted.

On motion the house reversed the order of business No. 11 and council bill No. 102, to provide funds for the furnishing of a main building of the Dakota school for deaf mutes was read a first time.

Mr. Thompson moved a suspension of the rules and that it be read a second time. Carried—It was so read and referred to the committee on territorial affairs.

HOUSE FILES PASSED.

Under a suspension of rules, House file No. 234—authorizing the board of education of the Madison Normal school to sell certain lands, was introduced by Mr. McCallister, given its three readings, and passed unanimously.

No. 235—legalizing the incorporation of Madison, was introduced by Mr. McCallister, given its three several readings, and passed unanimously.

No. 236—relating to the townsite of Bismarck—was introduced by Mr. Williams, given its three readings, and passed unanimously.

No. 237—authorizing Bismarck to issue bonds for the construction of a school house—was introduced by Mr. Williams, given its three several readings, and passed unanimously.

COUNCIL BILL PASSED.

Mr. Wagner moved the rules be suspended and that council bill 21—to provide for the appointment of a clerk for Yankton county, be put on its final passage. Carried.

It was read three times and passed unanimously.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of the joint resolution requesting the governor to return house file No. 92.

Adjourned.

Session Notes.

The capital removal bill went to its second reading in the council to-day and was referred to the old Huron capital removal bill committee, the president being sustained in his theory that he had a right to refer it to that committee. It will come up to-morrow forenoon in its third reading and passage.