

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fifty-Eighth 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.

Journal was read and approved.
CONCURRED IN.

The council concurred in the house amendments to council bill 63—for the relief of W. S. Goodwin and T. L. Pratt; also to council bill 139—substitute—relating to the salary of the assistant superintendent of instruction.

PENITENTIARY DEEDS.

Mr. Dewey, from the committee on charitable and penal institutions, reported back the deeds of the Sioux Falls penitentiary property. The committee had examined them and found the deeds and title correct and perfect; also a joint resolution that the committee be authorized to deposit the deeds and abstract of title with the territorial treasurer. Under a suspension of the rules, the resolution had its several readings and was passed by unanimous vote.

COUNCIL BILLS.

Mr. Jerauld introduced council bill 228—to amend section seven, chapter 59 of the laws of 1881, relating to the election of township officers. Under suspension of the rules, the bill had its several readings and was passed by unanimous vote.

Mr. Jerauld introduced council bill 229—to amend section three, chapter 27 of the political code—entitled elections—making suspensions of township judges of elections—under a suspension of the rules, had its several readings and was passed unanimously.

The following council bills were given their third readings, and were disposed of as indicated:

No. 95—to grant to John Shelley the right to maintain a ferry across Red river near Caledonia—was lost, Messrs. McCauley and Walsh and Mr. President and none others voting in the affirmative.

No. 156—to regulate the practice of dentistry and require a diploma—lost, Mr. Walsh alone voting in the affirmative.

No. 225—to amend section 26, chapter 48 of the revised code—passed unanimously.

No. 170—creating the county of Sterling—lost, Mr. Burdick alone voting in the affirmative.

No. 221—to provide for the insurance of the territorial library—passed unanimously.

No. 152—to provide for the organization of civil townships and the government thereof—passed, Mr. Ziebach alone voting in the negative.

A NEW BILL.

Mr. Roberts, by consent, introduced council bill 230—to provide for an agricultural college fund and for the location of an agricultural college at Fargo—referred to the committee on appropriations.

HOUSE FILES.

House file 177—to prevent the spread of noxious weeds—was referred to the committee on agriculture.

House file 171—relative to the opening and closing of polls—passed unanimously.

House file 190—to amend the incorporation act of Springfield—passed unanimously.

COMMITTEE OF THE WHOLE.

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

In the committee of the whole council bill 230—a bill providing an appropriation of \$25,000 for an agricultural college at Fargo came up for consideration.

Mr. Jerauld spoke against the measure. He thought that if the people of north Dakota wanted to be taught scientific farming they could go to the agricultural college at Brookings and receive their education. He had not heard that Dakota needed any more scientific farmers than Brookings could turn out. He concluded that the object of Mr. Roberts, who introduced the bill, was to show his constituents when he got home that he had done something for them. Those agricultural colleges cost a great deal of money and after the students graduated and received their diplomas they usually went to practicing law. Mr. Jerauld said if the legislature could count up all the money appropriated by this legislature it would be astounded. He had figured it up as high as \$300,000 some time ago and God only knew how much more there was.

Mr. Jackson said he knew the people of Fargo were very ambitious and very exacting and if the gentleman from Fargo (Mr. Roberts) went back without anything for them, he would feel like kicking himself. The Red river valley was the granary of the world and Dakota should not refuse it the benefits of scientific farming. Let the gentleman from Fargo go home to his constituents with something for them.

The report of the committee on appropriations, recommending the passage of the bill, was then adopted by the committee of the whole.

House file 179—to provide for an examiner of public accounts—also came up to the committee of the whole, on a recommendation from the committee on territorial affairs that it pass.

Mr. Ziebach moved that the committee of the whole report back the bill with a recommendation that it do not pass

and after an animated discussion the motion was adopted.

THE CAPITAL BILL.

House file 217—a bill providing for the appointment of a commission to locate the capital of Dakota—came up in committee of the whole for consideration.

Mr. Ziebach moved that the committee rise, report progress, and ask leave to sit again at two o'clock this afternoon.

Mr. Nickens moved as an amendment to Mr. Ziebach's motion, that when the committee rise it report back the capital removal bill with a recommendation that it be made a special order for two o'clock this afternoon.

Mr. Nickens asked that the opponents of the bill agree that all discussion in the committee of the whole should end at five o'clock this afternoon and upon such agreement he was disposed to concede to the opposition some rights and privileges claimed by them.

Otherwise it appeared, though it was not stated, that the gag law would be applied.

Mr. Dewey said that if Mr. Nickens was honest in his professions not to apply the gag law he would consent. He was willing to consider the bill in committee of the whole this afternoon and this evening and let it come up on its passage to-morrow. He charged that there was corruption in the foundation and construction of the scheme and in the measure. He demanded the right to be heard as a constitutional privilege. It was an insult to all the people of the territory for any member of the legislature to say that his side of the question should not be fully heard on so important a measure, even if it was in the minority. If Mr. Nickens' motion was adopted it amounted to a suspension of the rules and placing the bill on its third reading and passage. Mr. Dewey wanted the bill to be made the special order in committee of the whole at two o'clock this afternoon and not made the special order in the council at that hour, which would put it on its passage, or the adoption of Mr. Nickens' motion would practically suspend the rules and remove all discussion from the committee of the whole.

Mr. Nickens still insisted that Mr. Dewey let him know how many hours he wanted to debate the bill. He said that when it came to the corruption part of the argument he would have something to say. The bill, he said, had been met by every impediment. He proposed, as a representative of the majority, not to permit time to fritter away in a discussion of the subject. He asked Mr. Dewey to name the number of hours he and his friends wanted for discussion and said he proposed to stand by the measure until the final end.

Mr. Jackson rose in support of the motion of Ziebach. He thought the council should be given an opportunity to take a recess for dinner, so as to be ready for the work of the afternoon.

Mr. Ziebach wanted only a fair consideration of the bill. All he asked was that it should take the same course as other bills. This measure had been re-

ported back from a committee of which he was a member without any knowledge on his part of what the report recommended until just before the council convened for the consideration of the order of which this bill was a part. Though a member of the special committee, he had not been consulted regarding the recommendations of the report. He wanted time for a discussion of the bill by all and did not want to be crowded. If he was crowded he might say some things he might not otherwise say.

Mr. Washabaugh protested against the adoption of a report which suspended the rules by only a majority vote, when the standing rules required a two-thirds vote to suspend the rules.

Mr. Nickens' amendment that when the committee rise it report the bill back with a recommendation that it be made the special order for two o'clock this afternoon was adopted, Messrs. Walsh, Burdick, Nickens, Roberts, Scobey, Jerauld and McCauley voting for the amendment and the rest against it.

The motion as amended was then adopted by the same vote, and the gag law was effectually applied by Mr. Roberts in the chair.

Prior to the final vote on the motion Mr. Dewey moved as an amendment that the bill be made the special order at two o'clock in committee of the whole.

The chair ruled Mr. Dewey's motion out of order, declaring it an amendment in the second degree.

Mr. Dewey disented, but was obliged to yield to the chair, backed by the combination.

At 11:20 p. m. the committee rose and reported sundry bills with recommendations.

Mr. Dewey demanded that the report be divided so as to separate house file 217 from the rest. Lost.

Mr. Ziebach held that the adoption of the report on the capital bill embodied a suspension of the rules, which it does, and could only be passed by a two-thirds vote.

The president ruled against the proposition of Mr. Ziebach. He doubtless does not forget that his partner, Mr. Matthews, is named in the bill as one of the commission to locate the capital and he is true to his business interests.

RECESS.

At 12:30 p. m., the council, on motion of Mr. Walsh, took a recess until two o'clock p. m.

AFTERNOON SESSION.

Under suspension of the rules, the following bills were called up and passed:

House file 207—to authorize Lawrence county to issue bonds—passed unanimously.

House file 205—to prevent corruption of the waters of rapid creek—passed unanimously.

House file 212—to amend the Deadwood incorporation act—passed unanimously.

Council bill 104—to create the office of

railroad commissioner and provide for his appointment by the governor—passed.

House file 214—providing for the erection of a court house and jail in Codington county—passed unanimously.

House file 100—to legalize certain acts of the commissioners of Lawrence county—passed unanimously.

THE CAPITAL BILL.

Mr. Nickens moved to take up house file 217—to appoint commissioners to locate the capital of Dakota—have it read by sections, together with the amendments proposed by the committee.

Mr. Ziebach rose to a point of order and stated that the rules had not been complied with in bringing the bill before the council as a special order and read the rules in support of his point.

Mr. Nickens objected and, of course, the president ruled that Mr. Ziebach's point of order was not well taken.

Mr. Ziebach sat down.

Mr. Dewey moved to go into committee of the whole for the consideration of house file 217—the capital bill.

The president refused to entertain the motion.

An appeal was taken from the decision of the chair and the chair was sustained by the following vote:

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

Nays—Messrs. Dewey, Jackson, McIntosh, Washabough and Ziebach—5.

The bill then came up for consideration under the report of the committee.

An amendment, proposed by the select committee, naming the members of the commission, was read.

Mr. Ziebach said the report had been changed by the substitution of two new names for two which were originally agreed upon in committee and as a member of the committee he desired to know how it happened.

Mr. Nickens of the committee, said a majority of the committee had decided to make the change.

Mr. Ziebach said, "Oh!"

The majority report was read at length and the various amendments suggested by the special committee were adopted by the usual vote, 7 to 5.

The minority report stated that the bill had not been properly considered by the committee and that no opportunity had been given by the majority of the committee for its full consideration, also that the minority deemed the bill obnoxious to the people, as it contained many vicious provisions.

Mr. Ziebach moved the adoption of the minority report. Lost—5 to 7.

Mr. Jackson moved to amend the bill by providing that the capital be permanently located at Sioux Falls, upon the presentation by Sioux Falls of ten acres of land and capital buildings worth \$150,000.

Mr. Ziebach offered as an amendment to the amendment that the word "Scotland" be substituted for the words "Sioux Falls." He said it was best to step slowly in the direction of capital location. It could now be moved to Scotland, next to Olivet and then to

Mitchell or some other place. Scotland, he said, had elegant hotels, and seven saloons, which rendered it just the place for a legislative assembly to tarry at.

Mr. Jackson said he was much surprised to find that Mr. Ziebach opposed his amendment.

The amendment to the amendment was lost and the amendment itself was then lost by the usual 7 to 5 vote.

Mr. Washabough moved to amend the clause naming the commission by inserting the name of H. A. Palmer for John P. Belding. Lost, 7 to 5.

Mr. Jackson moved to amend the bill by providing that the temporary seat of government be located at Sioux Falls.

Mr. Nickens raised the point of order that the same amendment had been once presented.

Mr. Jackson held that the new amendment provided for a temporary location and the old one for a permanent location. The president ruled in favor of Mr. Jackson and his amendment was then defeated—5 to 7.

Mr. Dewey moved as an amendment that the name of Alexander Hughes, of Yankton, be stricken from the list of commissioners and the name of George L. Ordway inserted in its place. He said the people of Yankton county did not want Mr. Hughes as their representative on the commission, and the council would confer a favor on them by making the change. The amendment was lost—9 to 3.

Mr. Dewey moved to amend the bill by providing that vacancies upon the commission be filled by a majority of the commission instead of by the governor. Lost—7 to 5.

Mr. Dewey presented an amendment requiring the capital grounds to consist of 320 acres. Lost—6 to 6—Mr. Jerauld voting with the minority.

Mr. Dewey introduced an amendment providing that the location by the commission be ratified by a vote of the people.

This amendment received the following vote:

Ayes—Messrs. Dewey, Jackson, Jerauld, McCauley, McIntosh, Washabough and Ziebach—7.

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

Before the vote was announced, Mr. Nickens went to Mr. McCauley and the result of a few whispered words was that Mr. McCauley, changed his vote and the amendment was defeated—6 to 6.

Mr. Dewey presented an amendment providing that the commissioners selected to locate the capital be prohibited for a term of two years from having pecuniary interest in the capital site or any contracts arising from its location. Lost—7 to 5.

Mr. Dewey moved to amend the bill by adding a provision prohibiting members of the legislature, territorial officers and government officers from having any interest in the property upon which the capital is to be located or within ten miles thereof.

Mr. Jerauld requested that the amend-

ment be changed in certain respects so as to exclude land officers and other officials from its provisions. Every suggestion made by Mr. Jerauld was acceded to by Mr. Dewey, who stood, pen in hand, and made the changes as they were dictated by Mr. Jerauld.

Mr. Nickens wanted to know what was to become of the property of the members of the legislature and other officials if they happened to have any within ten miles of where the capital was finally located. Nobody seemed to know.

Mr. Walsh raised his voice in objection to the amendment.

Mr. Jerauld said he wanted every friend of the bill to vote for the amendment and show to the people of Dakota that they were not ashamed to put safeguards into the bill.

A long discussion ensued and Mr. Jerauld finally arose and said he had his doubts about the propriety of the amendment—it provided that the governor should not own any property at the proposed capital. Mr. Jerauld was afraid he would have no roof to cover his head if the amendment was inserted.

The amendment was lost—6 to 6—Mr. McCauley voting for it and Mr. Jerauld against it.

Mr. Ziebach introduced an amendment providing for expunging that portion of the bill authorizing the governor to issue an order for the removal of the public records of the territory, &c.

Mr. Dewey spoke at length upon this point and Mr. Nickens admitted that he was affected by the remarks of the gentleman from Yankton, but it did not appear that he was converted from his desire to move the capital.

The amendment was lost—7 to 5.

Mr. Washabough moved that, in accordance with the rules, the bill be carefully engrossed before being put upon its passage.

Mr. Ziebach stated that it was the rule of the council to have all bills engrossed before they came up for passage.

Mr. Washabough said it was impossible for the council to vote intelligently upon the bill and its amendments until it was engrossed.

The president ruled the motion out of order.

Mr. Washabough appealed from the decision of the chair.

Mr. Dewey raised a point of order that the committee had not reported the amendments separately from the bill.

The president refused to sustain the point of order.

Mr. Washabough's appeal from the ruling of the speaker was voted down—7 to 5.

Mr. Dewey presented an amendment to locate the capital at a point, certain, some two hundred miles north of Yankton. Lost, by the usual vote.

Mr. Nickens moved the adoption of the majority report of the committee, including sundry amendments making minor changes in the text of the measure.

Mr. Dewey moved as an amendment that the minority report be adopted. The amendment was lost and the original motion adopted—7 to 5.

Mr. Washabough insisted that his motion requiring the engrossment of the bill be adopted.

The president refused to entertain the motion.

There was argument on the measure by Messrs. Jackson and Dewey against the bill and Mr. Jerauld for the bill. At the conclusion of their argument the bill went to its third reading and passage and

WAS PASSED

by the following vote:

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

Nays—Messrs. Dewey, Jackson, McIntosh, Washabough and Ziebach—5.

The bill went to the house for concurrence in the amendments and the house concurred as soon as the amendments could be read and passed upon. The house this morning stopped proceedings at the order of consideration of council messages so as to be ready to receive the bill when it came back amended.

HOUSE

TUESDAY AFTERNOON.

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

BILLS DELIVERED.

Mr. Pyatt, from the committee on enrolled and engrossed bills, reported that he had delivered to the governor house files 174, 143, 121, 166, 199, 44, 137 and 133; also that house files 194, 210, 175, 150, 161 and 45 had been correctly enrolled.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of house file 208; also the passage of council bills 184, 313, 220, 209, 191, 194, 189, and house files 203, 106 and 138, and had passed with amendment No. 157, and refused to pass No. 182.

BILLS SIGNED.

The speaker announced that he had signed house files Nos. 45, 161, 150, 175, 210, 194 and 208, and council bills 204, 53, 55, 164, 25, 178, 205, 157, 86, 120, 132, 173, 108, 128, 39 and 127.

COUNCIL MESSAGE CONSIDERED.

Mr. Pyatt moved that the house concur in council amendments to house file 208—providing for public printing. Carried.

Mr. Pyatt moved that the house concur in council amendments to house bill 137—authorizing Bon Homme county to refund its indebtedness. Carried.

BILLS INTRODUCED.

By unanimous consent Mr. Sterling introduced house file 243—creating the county of Wessington.

By Mr. Williams, No. 244—to create the county of McLean.

Mr. Wagner moved a suspension of the rules and that the above bills be put on their final passage—Carried.

No. 243 was so read and passed all voting in the affirmative except Messrs. Choteau, Phillips and Tychean.

No. 244 was read and passed unanimously.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of house file 222 amending chapter 6 of the laws of 1881.

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. 207—authorizing Lawrence county to issue bonds to refund its outstanding indebtedness.

Mr. Choteau moved it be amended in accordance with the recommendation of the committee on mines and mining. Carried. It was so amended, read and passed unanimously.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had signed house files 76, 25, 168, 68, 113, 110, 85, 91, 105 and 154.

The passage of house files was resumed:

No. 239—to protect fish in the waters of Dakota—passed by a vote of 12 to 11. No. 222—to vacate Bradford's addition to the village of Bon Homme—passed unanimously.

No. 185—regulating the sale of intoxicating liquors in Bismarck—passed unanimously.

No. 177—to prevent the spread of noxious weeds—was referred to the committee of the whole.

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

No. 215—incorporating the village of Buffalo—passed unanimously.

No. 214—providing for the erection of a court house for Codington county—passed unanimously, as amended by the committee on counties, townships and cities.

No. 176—to amend section 324, 325 and 328 of the civil code—was lost by a vote of 11 to 12.

No. 186—to regulate the survey of public highways—passed, all voting aye, except Mr. Benson who voted nay.

ENROLLED BILLS.

Mr. Pyatt from the committee on enrolled and engrossed bills reported house file No. 218 correctly enrolled.

YANKTON COUNTY FINANCES.

By unanimous consent council bill 177 to create a commission to examine the financial condition of Yankton county was put on its passage and passed, all voting in the affirmative except Mr. Rice who voted negatively.

COMMITTEE REPORTS.

By unanimous consent Mr. Wagner from the committee on territorial affairs reported favorably on council bill No. 143 authorizing the issue of bonds for the construction of the hospital fornsane at Jamestown, and Mr. Sterling, from the judiciary committee reported favorably on council bill 155.

COUNCIL MESSAGE.

A message was received from the council announcing the passage with amendments of house file 189—to provide a uniform system of schools, &c., and had passed unchanged house file 240—incorporating Scotland.

CALL OF THE HOUSE.

A call of the house was demanded and made. On motion of Mr. Nowlin it was dispensed with.

PASSAGE OF COUNCIL BILL.

By unanimous consent, council bill 142—to provide for the erection of the Jamestown insane asylum—was put on its third reading and final passage and was passed, all voting in the affirmative except Messrs. Ellis, Rice, Tychsen and Van Woert.

BILLS ENROLLED.

Mr. Pyatt, from the committee on enrolled bills, reported house files 155, 149, 165, 173, 162, 180, 134 and 181 correctly enrolled.

The passage of council bills was resumed and No. 117—to amend section 22, of chapter 39, of the political code—was given its third reading and passed, all voting in the affirmative except Messrs. Phillips, Rinehart and Wagner.

Mr. Rice moved to reconsider the above vote.

Mr. Pyatt moved that his motion be laid on the table, which prevailed.

Mr. Sterling moved that the council be requested to return council bill No. 187 to repeal section 70 of the laws of 1881—carried.

COUNCIL MESSAGE.

A message was received from the council returning the above bill.

Mr. Sterling moved to reconsider the vote by which the above bill was lost—lost.

BILLS SIGNED.

The speaker announced that he had signed house files Nos. 107, 166, 155—149, 180, 162, 134, 181.

Mr. Nelson moved that the rules be suspended and council bill No. 155—to amend section 13 chapter 49 of the laws of 1879 be put on its final passage—carried—it was so read and passed. All voting in the affirmative except Messrs. Rice and Rinehart.

Council bill No. 222, to amend chapter 6 of the laws of 1881 was under a suspension of the rules referred to the committee of apportionment.

Under a suspension of the rules Mr. Williams introduced house file No. 245, to amend the act authorizing Moody, Brookings, Burleigh and Grand Forks counties to fund their outstanding indebtedness, which was read three times and passed unanimously.

The house then adjourned until 8 p. m.

EVENING SESSION.

The house convened at 8 p. m., with Mr. Speaker in the chair.

NORMAL SCHOOL LAND.

By consent Mr. McCallister introduced house file 245—to authorize the sale of a certain tract of land at Madison, deeded to the territory for normal school purposes, and the selection of another tract, and under a suspension of the rules it was read three times and passed unanimously.

MESSAGE CONSIDERED.

Mr. McCallister moved the house concur in council amendments to house file

189, to provide a uniform system of schools, &c.

The ayes and noes being called it was carried by a vote of 13 to 6.

BILL PASSED.

Mr. McCallister moved the rules be suspended and that council bill 198, to fix the salary of superintendent of public instruction and create the office of assistant, be put on its final passage. Carried.

It was so read and passed, all voting in the affirmative except Messrs. Nowlin, Phillips, Rice, Rinehart, Robinson, Tychsen and Wynn.

PUBLIC PRINTING.

Mr. Pyatt offered the following resolution: WHEREAS, Large sums of money have been appropriated by congress during the past four years for printing the proceedings of the territorial assembly, and other large sums have also been appropriated by the legislative assembly which sums have been paid to the persons designated by the secretary as public printer; and

WHEREAS, Notwithstanding these large appropriations of money have been provided for the purpose of acquainting the public with the acts of the assembly, the journal of the house of representatives or of the council have not been printed, and the public have been compelled to pay an exorbitant price for the code and session laws;

Therefore be it resolved by the house of representatives, That the speaker be directed to appoint three members of this house as a committee to investigate the manner in which these appropriations for public printing, and stationery have been used, with the amount, and to whom and under what circumstances the money or appropriations has been paid, what printing bills are now outstanding; the reasons why important bills which should have been printed and laid upon the members desks within 24 hours, have not reached the members for days and weeks, thus retarding public business; and

Resolved, That in order to secure the thorough investigation of the printing and other matters before recited, the said committee be empowered to summon and compel the attendance of witnesses, examine books and papers, and send for copies at Washington and elsewhere; and that the committee be instructed to make an early report to this house of all the facts obtainable before the closing of its present session; and that the committee continue their examination after adjournment if they deem it advisable and report subsequent matters that they deem essential, to the governor to be by him transmitted to the department of the United States government or to the next legislative assembly.

The resolution was adopted.

The speaker appointed Messrs. Pyatt, Sterling and Wagner as such committee.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of house files 74, 227, 196, 213, 243, 258, 236, 244, 237, 136, and 230 and the passage with amendment of No. 243, and council bills 219, 218, 151, 233.

Under suspension of the rules council bill 63 granting relief to Goodwin & Pratt was read a third time and passed as amended by the judiciary committee by a vote of 14 to 4.

Mr. Pyatt, from the committee on enrolled and engrossed bills, reported house files 45, 150, 210, 175, 194, 161, 181, 134, 180, 162, 155, 149, 165 and 173 delivered to the governor.

COMMITTEE OF THE WHOLE.

On motion of Mr. Inman the house resolved itself into a committee of the whole for the consideration of reports, with Mr. Rice in the chair; when it arose it reported, with recommendations as follows:

That the consideration of house file 158 be indefinitely postponed; that house file 177 be amended and pass as amended, and that council bill 64, regulating marriage, do not pass. The report was adopted, amended to except council bill 64, and that it do pass.

Under suspension of the rules council bill 54 was given its third reading and lost by a vote of 8 to 11.

House file No. 177—to prevent the spread of noxious weeds—was read a third time.

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, who was excused.

Journal read and approved.

COMMITTEE REPORTS.

Mr. Pyatt from the committee on enrolled bills reported house file 230 delivered to the governor at 9:45. Mr. Wynn, from the committee on charitable and penal institutions, reported back house file 231 without recommendation. Mr. Wagner, from the committee on territorial affairs reported favorably on house file 179.

PUBLIC PRINTING.

Mr. Inman moved an adoption of the resolution calling for an investigation of public printing, and that the committee be instructed to commence investigation at once. Carried.

RECESS.

Mr. Nelson moved that the house take a recess until 2 p. m., to allow committee to work. Carried.

Session Notes.

A change in the programme of the capital removals was made last evening which need not be interpreted as reflecting upon the good faith of any party to the compact, but rather that the managing gentlemen have resolved to "make assurance doubly sure and take a bond of fate." Instead of permitting the governor to nominate commissioners "by and with the advice and consent of the council" which was proposed by the original bill, the law will name the commission which will be composed of the following gentlemen; Milo W. Scott, of Grand Forks; Burleigh F. Spaulding, of Fargo; Alex. McKenzie, of Bismarck; Chas. H. Myers, of Spink county; Geo. A. Mathewson of Brookings; Henry H. DeLong, of Canton; Alex. Hughes, of Elk Point; M. D. Thompson, of Vermillion, and John P. Belden, of Deadwood.