



DAKOTA'S LEGISLATURE.

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

Fiftieth Session—Fifty-Ninth Day.

Council.

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

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

The Journal was read and approved.

THE CAPITAL BILL.

A message was received from the house, announcing that the house had concurred in the council amendments to house file 217—a bill appointing a commission to locate the seat of government of Dakota territory.

BILLS SIGNED.

The president announced that he had signed council bills 210 and 169 and house file 128.

NEW BILLS.

Mr. Jerauld introduced council bill 231—to authorize the issue of territorial bonds for the construction of a reform school at Plankinton.

Under a suspension of the rules, the bill had its several readings and was passed by the following vote:

Ayes—Messrs. Dewey, Jackson, McIntosh, Nickens, Roberts and Ziebach—6.

Nays—Messrs. Burdick, Jerauld, Walsh, Washabaugh and Mr. President—5.

Not voting—Mr. McCauley.

Mr. Roberts introduced council bill 232—to provide for the printing of the revised codes of 1877 and the session laws of 1879 and 1881.

Under a suspension of the rules the bill had its several readings and was passed unanimously. Mr. Walsh not voting.

Mr. Burdick introduced council bill 233—to legalize the acts of Vale P. Thielman as notary public—which had its several readings, under suspension of the rules, and was passed by unanimous vote.

THE CAPITAL BILL.

The president, at eleven o'clock a. m., announced that he had signed house file 217—the bill providing for the removal of the capital.

Mr. Nickens introduced council bill 234—to define the boundaries of La Moure county—which had its several readings and was passed by unanimous vote.

Mr. Roberts introduced council bill 235—to define the boundaries of Wells county—referred to the committee on counties.

Mr. Washabaugh introduced council bill 236—to change the name of Rusk county and create the county of Dewey. Under suspension of the rules, the bill had its several readings and was passed unanimously.

COUNCIL BILLS.

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

No. 106—to amend section 27, chapter 28 of the political code—to change the limitation of the tax title law—passed.

No. 208—to amend section 656 of the code of civil procedure—passed unanimously.

No. 200—to amend the law relative to the time of commencing actions other than for the recovery of real property—passed, Mr. President alone voting in negative.

No. 212—to establish the north Dakota agricultural college at Fargo—passed, Mr. Jerauld voting in the negative and Mr. Washabaugh being excused.

No. 230—to provide for the issue of bonds for the construction of an agricultural college at Fargo—passed, Mr. Jerauld voting in the negative and Messrs. Nickens and Washabaugh not voting.

HOUSE BILLS.

House file 249—to authorize school townships to issue and dispose of bonds was referred to the committee on appropriations.

No. 250—to authorize the commissioners of Burleigh county to purchase lots for court house—passed unanimously.

No. 248—to legalize the acts of the commissioners of Douglas county who were appointed on the re-organization of the county—referred to the committee on counties.

No. 247—to attach certain counties to Lawrence county for representative purposes in the territorial council—referred to the judiciary committee.

No. 215—to amend the incorporation act of the village of Buffalo—passed.

No. 179—to provide for the appointment of an examiner of public accounts—lost, 6 to 3.

No. 202—to relocate a territorial road in Lake county—passed by unanimous vote.

No. 236—to legalize the incorporation of the town of Mandan—passed unanimously.

No. 239—to protect fish—passed, Mr. Ziebach voting in the negative.

No. 35—to amend section 648 of the civil code—relating to recording transfers—passed.

No. 193—to create the counties of Washington, Martin, Wagner, Rinehart and Choteau—passed unanimously.

No. 218—to define the boundaries of the county of Stanley—passed unanimously.

No. 185—to regulate the sale of liquors in Bismarck—passed, Mr. Walsh alone voting in the negative.

No. 233—to create the county of Wyan—passed unanimously.

No. 107—to amend chapter 19, of the political code—passed, Mr. Walsh voting in the negative and Mr. Nickens being excused.

No. 253—to provide for the punishment of convicts for attempting to escape from territorial prisons—passed, Messrs. Nickens, Ziebach and Mr. President voting in the negative.

No. 256—to create salaries for the mayor and members of the council of Bismarck—passed unanimously.

No. 257—providing for the sub-division of the counties of Wallette and Howard—passed, Mr. President voting nay and Messrs. Jerauld and Washabaugh being excused.

No. 251—authorizing a vote on the location of the county seat of Bon Homme county—referred to the committee on counties.

No. 232—to incorporate the village of Parker—passed unanimously.

RECESS.

The council, at 12:30 p. m., took a recess until two o'clock p. m.

AFTERNOON SESSION.

The council reconvened at 10 o'clock p. m., Mr. President in the chair.

VERBS CONSIDERED.

The governor having returned the bill authorizing the city of Deadwood to issue \$100,000 bonds for the construction of a railroad, with his veto, the bill and the message came up for consideration. The veto was based upon the proposition that the bill was contrary to the United States statutes. This bill was introduced by Mr. Washabaugh.

The question being upon the passage of the bill over the veto, it was lost—10 to 3—Messrs. Washabaugh and Ziebach voting in the affirmative.

The governor having returned the bill to re-enact the act locating a normal school at Springfield, with his veto, the bill and the message came up for consideration. This bill was introduced by Mr. Ziebach.

The question being on the passage of the bill over the veto, the vote was announced by the president as follows:

Ayes—Messrs. Dewey, McCauley, McIntosh, Roberts, Walsh, Washabaugh, Ziebach and Mr. President—8.

Nays—Messrs. Burdick, Jackson, Jerauld and Nickens—4.

Mr. Walsh said his vote had been misunderstood—that he had voted against the proposition.

The president ordered that Mr. Walsh's vote be recorded in the negative. This sustained the veto, two-thirds not voting to pass the bill over the veto.

Mr. Nickens introduced a supplemental bill—relative to the taxation of railroad lands when sold.

The rules were suspended and the bill passed.

HOUSE.

WEDNESDAY AFTERNOON.

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

BILLS ENROLLED.

Mr. Pyatt, from the committee on enrolled bills, reported house file 189 correctly enrolled.

BILLS SIGNED.

Mr. Speaker announced that he had signed house files Nos. 189, 159, 193, 226, 195, 211, 128.

RECESS.

Mr. Nelson moved the house take a recess until five p. m. Carried.

At 5 p. m., the house reconvened with Mr. Speaker in the chair.

HOUSE FILES PASSED.

By unanimous consent the following house files were introduced:

By Mr. Nowlin—No. 247—to attach certain counties to Lawrence county for legislative purposes.

Under a suspension of the rules it was read three times and passed unanimously.

By Mr. Wagner—No. 248—to legalize the acts of the county commissioners of Douglas county.

Under a suspension of the rules it was read three several times and passed, all voting in the affirmative except Messrs. Jerauld, Nowlin, Rice, Rinehart and Sterling.

By Mr. McCallister—No. 249—to authorize school townships to issue bonds for the erection of school houses in certain cases.

Under a suspension of the rules it was passed, all voting in the affirmative except Messrs. Rinehart and Thompson.

BILLS ENROLLED AND SIGNED.

Mr. Pyatt from the committee on enrollment reported house files 245, 238, 242, 244, and 246 correctly enrolled.

The speaker announced that he had signed house files 238, 242, 244, 245, and 246.

MESSAGE FROM THE COUNCIL.

A message was received from the council, announcing the passage with amendments of house file 217—to remove the capital; and No. 201—to legalize the acts of the commissioners of Lawrence county; also the passage unchanged of house files 212, 206 and 207.

CALL OF THE HOUSE.

A call of the house was demanded by six members, after which Mr. Pyatt moved that further proceedings under the call be dispensed with, which was carried.

CONSIDERATION OF THE MESSAGE.

Mr. Nelson moved that the house concur in council amendments to house file No. 217—to locate the seat of government.

Mr. Pyatt moved the previous question, which was carried.

The ayes and noes being called on Mr. Nelson's motion, the amendments were concurred by the following vote:

Voting aye—Messrs. Brown, Nelson, Pyatt, Sterling, Thompson, Towner, Van Woert, Wagner and Mr. Speaker—15.

Voting nay—Messrs. Jerauld, Phillips, Rice, Rinehart, Robinson, Tyghsen—7.

Not voting—Mr. Wynn—1.

Mr. Pyatt moved to reconsider the above vote, and that the motion be laid on the table. The ayes and noes being called on the motion, the motion was carried.

Mr. Bowman moved the adoption of council substitute to house file 201. Carried.

BILLS SIGNED.

The speaker announced that he had signed council bills Nos. 148, 177, 99, 129, 89, 217, 211, 134, 117, 10, 153, 158, 111, 203, 194, 192, 23, 161 and 168.

A motion by Mr. Rinehart to adjourn was lost.

On motion of Mr. Sterling the house took a recess until 8 p. m.

WEDNESDAY EVENING'S SESSION.

The house convened at 8 p. m.
FIRST READING OF COUNCIL BILLS.
No. 151—providing for the erection of a court house and jail for Aurora county. Under a suspension of the rules the bill was read and passed, all voting in the affirmative except Messrs. Harvey and Towner.

No. 213—to amend section 5 chapter 83 of the laws of 1891.

Mr. McCallister moved the further consideration of the bill be indefinitely postponed—carried.

A motion to adjourn by Mr. Wynn was lost.

No. 223—to create the school district Dell Rapids. Under a suspension of the rules it was read and passed, all voting in the affirmative except Mr. Robinson.

No. 220—to incorporate the city of Grafton. Under a suspension of the rules it was read and passed unanimously.

The house convened at 10 a. m., Mr. Speaker in the chair.

Prayer by the chaplain.

Roll call showed all members present except Messrs. Lamb, Towner, Inman and Nelson.

Journal read and approved.

COMMITTEE REPORTS.

Mr. Sterling, from the judiciary committee, reported favorably on house file 218, relating to the assessment of property.

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

INTRODUCTION OF HOUSE FILES.

By Mr. Wagner—No. 251—providing for a special election on the county seat question of Bon Homme county.

By Mr. Tycksen—No. 252—to incorporate the village of Parker.

By Mr. Thompson—No. 253—to provide for the punishment of convicts escaping from the penitentiary when recaptured.

By Mr. Sterling, substitute bill 254, entitled apportionment.

By Mr. Tycksen—No. 255—regulating the hiring of teachers by township boards.

By Mr. Choteau—No. 256—regulating the salaries of the mayor and common council of Bismarck.

By Mr. Williams—No. 257—subdividing the counties of Walworth and Howard.

THE INVESTIGATION COMMITTEE.

Mr. Pyatt asked to be excused from serving on the committee to investigate the public printing.

The request was granted and the chair appointed Mr. Bowman to act in his place.

SECOND READING OF COUNCIL BILLS.

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

No. 251—providing an election in Bon Homme county—Mr. Thompson moved the rules be suspended and that it be put on its final passage. Carried.

It was so read and passed unanimously.

No. 252—to incorporate the village of Parker.

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

It was so read and passed unanimously.

No. 253—punishing convicts.

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

It was so read and passed unanimously.

No. 254—on apportionment. Mr. Robinson moved the further consideration of the bill be indefinitely postponed. The ayes and noes being called the motion was carried by a vote of 14 to 6.

Mr. Sterling asked to be relieved from service on the apportionment committee.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bill 104—creating a board of railroad commissioners—No. 228—regulating the service of summons in justices' courts—No. 229—regulating the service of summons in district courts—No. 225—amending section 26, chapter 28 of the political code—No. 221—providing for the insurance of the territorial library; also the passage of house files No. 231—amending section 10, chapter 27 of the political code—No. 190—incorporating the city of Springfield—No. 220—amending section 128 of the civil code and 214—providing for the erection of a court house and jail for the county of Codington, and No. 219—defining the boundaries of the county of Brule; and also the passage of the joint resolution relative to the approval of certain penitentiary deeds.

No. 255, regulating the hiring of teachers. Mr. McCallister moved further consideration of the bill be indefinitely postponed—carried.

BILLS SIGNED.

The chair announced that he had signed house files 164, 236, 74, 217, 167, 115, 136, 237 and council bills 269 and 210.

No. 256, regulating salaries of mayor and common council, of Bismarck.

On motion the rules were suspended and the bill was given its two readings and passed unanimously.

No. 257, subdividing the counties of Waillette and Howard.

Mr. Choteau moved a suspension of the rules and that the bill be put on its final passage—carried. It was so read and passed unanimously.

COUNCIL BILLS.

The following council bills were read a first and second time and referred to committees as indicated unless otherwise disposed of.

No. 231—providing for insurance of the territorial library.

Mr. Choteau moved a suspension of the rules and that it be put on its final passage. The ayes and noes being called it was carried. All voting aye except

Mr. Thompson. It was read and passed by the same vote.

No. 225—to amend section 26 chapter 28 of the political code—judiciary committee.

No. 229—relating to summons in district court.

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

It was so read and passed unanimously.

No. 228—relating to summons in justice courts.

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

It was read and passed unanimously.

No. 164—creating a railroad commission.

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

JOINT RESOLUTION.

A joint resolution relating to the approval of penitentiary deeds was given its three readings and passed unanimously under a suspension of the rules.

CALL OF THE HOUSE.

Mr. Sterling moved a call of the house to consider the apportionment bill—which was carried.

At 12 o'clock it was moved and carried that the call be dispensed with.

The council then took a recess until 2 p. m.

Session Notes.

The resolution introduced yesterday in the house by Mr. Inman, relative to an investigation of the public printing was placed there for the purpose of amending the previous resolution, published in full. The amendatory provision was that the committee should investigate immediately, go to the bottom of the subject and report to the present legislature. Our house reporter did not state the proposition as it was. All parties are desirous of a full and complete inquiry into the matter and this the legislature should grant.

To-morrow will be the last day of the legislative session. A special train has been placed at the disposal of the members, to start as soon after final adjournment as they choose.

The autograph brigade is abroad in the legislature and is so numerous as to almost interfere with the progress of business.