



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Sixtieth Day.
Council.

The council convened at ten o'clock a. m., Mr. President in the chair.

Prayer by the chaplain.

The reading of the journal was dispensed with.

M'CAULEY EXCUSED.

Mr. McCauley was excused from further attendance during the session. It transpired he had gone home.

DELINQUENT TAXES.

Mr. Jackson presented the report of the territorial treasurer giving a statement of delinquent taxes and naming the counties which were delinquent.

The report was ordered printed for distribution among the members of the legislature.

UNIVERSITY LANDS.

Mr. Ziebach reported back a communication from the superintendent of instruction to the governor, relative to the selection of university lands, without recommendation.

COUNCIL BILLS.

The following council bills were introduced, had their several readings under suspension of the rules and were passed:

By Mr. Nickens—No. 242—to amend the act authorizing the construction of a penitentiary at Bismarck—Nays, Messrs. Washabaugh and Jackson.

By Mr. Jerard—No. 241—authorizing the procurement of statistics regarding agricultural and other products—referred to the committee on agriculture.

By Mr. Jerard—No. 243—authorizing registers of deeds to use seals—passed.

By Mr. Roberts—No. 224—providing that ninety days residence qualifies a person for holding office—passed, Messrs. Dewey, Walsh, Washabaugh and Ziebach in the negative.

HOUSE BILLS.

The house bill authorizing the commissioners of Traill county to invest \$10,000 in a poor farm, passed unanimously.

The house bill to legalize the acts of the incorporators of the Ellendale and Wahpeton railroad was lost, Mr. Walsh and Mr. President voting in the negative.

House file 231—to provide for the office of attorney general, provide for his appointment and to define his duties—was passed, Messrs. Dewey, Jackson, Washabaugh and Ziebach and none others, voting in the negative.

PENITENTIARY DEEDS.

Mr. Dewey, from the committee on charitable and penal institutions, reported that the committee had deposited with the territorial treasurer the deeds and abstract of title to Sioux Falls penitentiary property with the territorial treasurer and had taken his receipt therefor.

The report was accepted and the clerk authorized to deposit the receipt with the territorial auditor.

A BILL STOLEN.

The chief clerk reported that when he went home at four o'clock this morning he left in his desk the house bill authorizing an election to change the county seat of Bon Homme county, and that when he returned this morning the bill was gone. The theory is that during the night some one slipped in and stole the bill.

Mr. Walsh asked consent to introduce a substitute to the lost bill.

Mr. Ziebach said that there would be no legality in such an introduction at this stage of proceedings. Based his objections purely on legal grounds.

Mr. Walsh's substitute was received, by two-thirds vote, given its several readings and passed. (For purport of bill see session notes.)

EXECUTIVE SESSION.

The council then went into executive session for the consideration of nominations by the governor.

The names of W. H. H. Beadle, of Yankton, for superintendent of public instruction, and of E. A. Healey, of Pembina, for assistant superintendent of instruction, were presented for confirmation and both were confirmed.

RECESS.

After emerging from executive session the council took a recess until two o'clock p. m.

AFTERNOON SESSION.

Council reconvened at two p. m. Mr. President in the chair.

Mr. Nickens introduced council bill 246—a militia law for Dakota. It was referred to the committee on militia.

Mr. Ziebach introduced council bill 247—to pay Superintendent Beadle \$210 for expenses incurred in selecting university lands. Passed under suspension of the rules.

Council bill 239—providing for letting of contract to print the laws—was returned from the house with an amendment striking out the clause providing that no one outside the territory can bid for the work.

By a vote of seven to three the council refused to concur in the amendment.

EXECUTIVE SESSION.

The council, at three o'clock, went into executive session for the consideration of nominations by the governor.

In executive session the council confirmed the following nominations:

For regents of the university at Vermillion:

F. N. Bardick, of Vermillion, four years.

J. L. Jolley, of Vermillion, four years.

D. Elwell, of Sioux Falls, two years.

E. T. Cressley, of Huron, two years.

Commissioners to investigate the financial affairs of Yankton county:

H. B. Wynn, C. J. B. Harris, A. W. Barber, of Yankton.

For regents of the university of north Dakota, at Grand Forks:

E. A. Healey, of Pembina, for four years.

C. E. Teale, of Grand Forks, for four years.

James Twomey, of Grand Forks, for four years.

W. T. Collins, of Grand Forks, for two years.

R. M. Evans, of Minto, for two years.

For directors of the penitentiary at Sioux Falls:

W. L. Dow, of Yankton.

The names of Richard H. Booth and Thomas H. Brown were also presented by the governor for confirmation as directors of the Sioux Falls penitentiary, but the council or rather that portion of it which combined on the capital commission scheme, voted against the confirmation and the two names were rejected.

Mr. Booth was first confirmed but on a reconsideration his nomination was voted down. Mr. Brown was rejected upon the presentation of his name.

Mr. Jackson made a strong fight for both of the gentlemen who were not confirmed, but was in the end compelled to yield to the combination and succumb to their defeat.

House.

THURSDAY AFTERNOON.

The house convened at 2 p. m. with Mr. Speaker in the chair.

BILLS ENROLLED.

Mr. Pyatt from the committee on enrolled bills reported, house files 207, 196 and 205 correctly enrolled.

BILLS SIGNED.

The speaker announced that he had signed council bills Nos. 143, 63, 227, 215, and 162, and house files Nos. 207 and 201.

Mr. Benson moved a suspension of the rules and that house file No. 223 legalizing the incorporation of the Ellendale & Wahpeton railroad company be put on its final passage—carried. It was read and passed unanimously.

Mr. Harvey moved a reconsideration of the vote by which the apportionment bill was lost—carried. It was then made a special order for 1.30 p. m.

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. 131—to reimburse Martin and Anderson—was lost. Messrs. Allred, Benson, Bowman, Ellis, Harvey, McCallister, Nowlin, Pyatt, Rice and Thompson voting negatively.

CONSTITUTIONAL CONVENTION.

No. 179—to provide for a constitutional convention preparatory to the admission of Dakota.

Mr. Nowlin offered an amendment making the time of election in November and the date of meeting to December 15th, which was adopted.

Mr. Thompson moved further consideration of the bill be indefinitely postponed, which was lost by a vote of 4 to 14.

Mr. Thompson then moved to amend by making it apply to the whole territory which was, on motion, laid on the table.

Mr. Thompson demanded a call of the house, which was made.

Mr. Wagner moved further proceedings under the call be dispensed with. Carried.

The bill was then passed, Messrs. Benson, Choteau, Ellis, Phillips, Rice, Rinehart, Thompson and Mr. Speaker voting negatively.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, announcing that he had signed house files Nos. 96, 121, 143, 190, 46, 153, 145, 21, 230, 157, 149, 238.

No. 225—to amend section 26, chapter 28 of the political code, was read a third time and passed unanimously.

REPORTS OF COMMITTEES.

Mr. Sterling, from the judiciary committee, recommended the passage of council bill 160, to amend section 13, chapter 39, of the political code, with amendments.

Mr. Nelson, from the committee on counties, towns and cities, recommended the passage of council bill 96, authorizing Spink county to refund its indebtedness.

Mr. Bowman, from the committee on mines and mining, recommended that council bill 145, creating a tax commission, do not pass.

BILLS PASSED.

Mr. Sterling moved that the amendments to council bill 160 be laid on the table. Carried.

The bill then being read a third time, was passed by a vote of twelve to eight.

No. 184—to provide for the appointment of an agent for non-resident administrators. Passed, Messrs. Bowman, Choteau, Phillips, Rinehart and Thompson voting negatively.

No. 219—regulating the drawing of juries, was passed, Messrs. Choteau, Harvey, McCallister, Thompson, Tychsen and Van Woert voting negatively.

No. 191—Extending the provisions of chapter 26 of the laws of 1879 to organized townships. Passed, Messrs. Phillips, Towner, Thompson and Wagner voting negatively.

No. 218—to regulate the assessing of property. Passed unanimously.

No. 96—to fund the indebtedness of Spink county was lost by a vote of 7 to 15.

Mr. Rice then moved the vote by which council bill 131 was lost, be re-considered. Carried.

It was so read and passed by a vote of 11 to 8.

Mr. Rinehart moved a reconsideration of the vote by which the above bill passed, and that it be laid on the table. Carried.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bills Nos. 233, 230, 214, 200, 208, 152, 106, 231, 232, and house files 250, 256, 253, 202, 235, 233, 218, 257, 107, 239, 248 and 193, and with amendments the passage of house files 35, 179 and 237.

Mr. Pyatt offered a resolution that a committee of one be appointed to act with a like committee of the council to prepare a bill for the employment of additional enrolling clerks which was adopted.

Under a suspension of the rules coun-

bill No. 337 supplemental to council bill No. 169 was passed unanimously. The house then took a recess until 7 p. m.

THURSDAY EVENING SESSION.

The house convened at 7 o'clock with Mr. Speaker in the chair.

The speaker announced that he had signed council bills Nos. 229, 228, 181, 220, 194, 226, 167, 160, 221, 198 and 223.

Mr. Pyatt gave notice that he would move a reconsideration of the vote by which council bill No. 227 passed the house.

FRIDAY MORNING.

The house convened at 10:15 a. m., with Mr. Speaker in the chair. Prayer by the chaplain. Roll call showed all members in their seats except Messrs. Lamb, Bowman and Wynn.

On motion the reading of the journal was dispensed with.

ENROLLED BILLS.

Mr. Pyatt from the committee on enrolled and engrossed bills reported house files Nos. 250, 254, 214, 198, 290, 253, 171, 219, 255, 202, 235, 107, 233, 190, 230, 216—correctly enrolled.

COUNCIL BILL PASSED.

Mr. Nowlin moved that the rules be suspended and the council bill No. 236, creating the county of Dewey be put on its final passage—carried. It was so read and passed unimously.

BILLS SIGNED.

The speaker announced that he had signed house files 218, 256, 251, 198, 190, 230, 233, 107, 262, 219, 171, 220, 253, 214, 254, 250, 207, 157, 118, 235 and 216.

By unanimous consent Mr. Choteau introduced house file 258 providing for the employment of additional assistant engrossing clerks. Under a suspension of the rules the bill was passed unanimously.

By unanimous consent Mr. Inman moved the reconsideration of the vote by which council bill No. 145 providing for a tax commission, was passed. Carried—Nowlin and Rinehart voting in the negative.

A motion to indefinitely postpone was lost.

On the passage of the bill it was carried, all voting in the affirmative except Messrs. Choteau, Rinehart and Nowlin.

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

FIRST READING OF COUNCIL BILLS.

The following council bills were read a first time and disposed of as indicated: No. 208—to amend chapter 658 of the civil code—regulating liens.

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 except Mr. Speaker.

No. 230—providing funds for the agricultural college of north Dakota, at Fargo.

Mr. Nowlin moved that further consideration of the bill be indefinitely postponed. Carried.

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

No. 231—establishing the agricultural college of north Dakota at Fargo.

Mr. Nelson moved the rules be suspended and that it be put on its final passage. Carried. It was so read and passed, all voting in the affirmative, except Messrs. Nowlin, Rice, Rinehart, Sterling, Thompson and Van Woert.

No. 232—amending section 3, chapter 27, of the civil code, entitled elections. Mr. Thompson moved a suspension of the rules and that it be put on its final passage. Carried. It was so read and passed, all voting in the affirmative except Mr. Inman.

No. 106—to amend section 73, 74, 75 of the political code.

Mr. Thompson moved that further consideration of this bill be indefinitely postponed. Carried.

Mr. Thompson moved all bills on their first reading be put on their second reading. Carried.

No. 200—to amend chapter 69, part 2, of the civil code.

Mr. Nowlin moved that further consideration of the above bill be indefinitely postponed. Carried.

Mr. Bowman moved a reconsideration of the vote and that the motion be laid on the table. Carried.

No. 238—creating the county of McIntosh.

Mr. Choteau 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.

No. 239—providing for the printing of the revised codes of 1877 and the session laws of 1879 and 1881.

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

After being amended to admit of bids from non-resident printers, it passed, all voting in the affirmative except Messrs. Ellis and Thompson.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bill 45 which had been vetoed by the governor; also house files 221, 222, 229, 102, 103, 209, 197, 192, 177, 104, 169, 215, and with amendment Nos. 191 and 186; also council bill No. 188.

CONSIDERATION OF MESSAGE.

By unanimous consent the council message was considered.

Mr. Rinehart moved the house concur in the council amendment to house file 191, providing extra compensation for E. B. Dawson as chief clerk of the house. Carried.

Council bill 46, providing for a tax commission was on motion of Mr. Choteau, put on its passage over the governor's veto, and lost by a vote of 9 to 5.

Messrs. Ellis, Harvey, Towner, Van Woert and Mr. Speaker voting negatively.

Mr. Choteau moved the house take a recess until 2 p. m. Carried.

THE APPOINTMENT BILL.

The special order, house file No. 254, was taken up, read a third time and passed, Messrs. Bowman, Choteau, Nowlin, Rinehart, Robinson and Tyhsen voting negatively.

A motion to reconsider the vote was laid on the table.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing the passage of council bills Nos. 238, 235, 234, 239, 236, and house files Nos. 249, 216 with amendments and house file 185 unchanged.

Mr. Choteau moved that the consideration of council bill 145 providing for a tax commission, be indefinitely postponed. Carried.

CONSIDERATION OF MESSAGES.

The house concurred in council amendments to house file 216 authorizing Grant county to refund its indebtedness; also in council amendments to house file 35.

COUNCIL BILLS PASSED.

Under a suspension of the rules council bill 234 defining the boundaries of La Moure county was unanimously passed.

Under a suspension of the rules council bill 235—to legalize the acts of Vale P. Theilman as notary public passed unanimously.

Under a suspension of the rules council bill 231—to amend section 7, chapter 59, of the laws of 1879—was passed, Mr. Rinehart voting negatively.

Under a suspension of the rules council bill 233—authorizing the issue of bonds for the erection of a reform school at Plankinton—was lost by a vote of 10 to 12.

MESSAGE FOR THE GOVERNOR.

A message was received from the governor announcing that he had vetoed house file 173—to limit the liabilities of irrigating ditch owners, and that he had signed house files 242, 193, 163, 180, 161, 45, 184, 166, 174, 189, 166, 174, 195, and 133.

MESSAGE FROM THE COUNCIL.

A message was received from the council announcing that it had passed house file 231—creating the office of attorney general, also No. 254—to amend chapter 6 of the laws of 1881.

Mr. Choteau moved the message from the governor be made the special order for to-morrow at 11 a. m. Carried.

Under a suspension of the rules council bill 152, to provide for the organization of townships, was read a second and third time.

Mr. McCallister moved that the consideration of the bill be indefinitely postponed. Lost.

The bill was then passed, Messrs. Bowman, McCallister, Phillips, Robinson, Thompson and Tyhsen voting negatively.

Mr. Choteau moved the vote by which the governor's veto and house file 173 be made a special order, be reconsidered. Carried.

On the passage of the bill over the governor's veto it was lost by a vote of nine to six, Messrs. Harvey, Nelson, Sterling, Tyhsen, Van Woert and Wagner voting negatively.

The house then adjourned.

Session Notes.

The house bill authorizing the governor to appoint an attorney general for Dakota passed the council last night. This is a measure supplemental to the capital commission bill and is a part of the general plan.

The governor, last night, sent in a veto of Mr. Nowlin's house bill relative to the rights of irrigating and ditch owning companies or individuals. The purport of the bill was that owners of irrigating ditches should be protected from the unlawful acts of parties to whom they sold water. In effect it made the party who damaged any other person's property by a water overflow responsible for injury resulting from his own acts, and prevented persons injured from going back to the owners of irrigating ditches for claims for which they were not responsible. The veto was based upon the proposition that the bill contravened the common law.

The imperious manner in which Mr. Jerald has been treated by the members of the council whom he has served is creating considerable comment. They have apparently reached the conclusion that his measures are not considered of very much consequence.

Mr. Washabaugh's council bill, providing for the collection of delinquent taxes in the Black Hills counties, vetoed by the governor, was the first vetoed bill of the session to pass over a veto. It was returned to the council yesterday and last night that body put it through by a vote of nine to three.

Elias McCauley, worn out and utterly discouraged and disgusted with himself and everybody else, left the capital this morning for the bosom of his constituency, somewhere in the seventh district. He was a member of the legislative council.

There was alleged to have been stolen last night from the desk of the chief clerk of the council a bill providing for an election to re-locate the county seat of Bon Homme county. Following this discovery Mr. Walsh put in a bill which was called a substitute for the stolen bill. It provided that there should be an election in every county in Dakota next April to locate or re-locate the county seat of such county and that at the succeeding November election the two places having the highest number of votes should be again voted upon as the county seat.

The house this afternoon killed the bill providing for the issue of territorial bonds to erect an agricultural college at Fargo.