

JOURNAL
OF THE
COUNCIL
OF THE
SIXTEENTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
Territory of Dakota.
JANUARY 1885.

BISMARCK, DAK.:
TRIBUNE, PRINTERS AND BINDERS.
1885.

Journal of the Council.

SIXTEENTH SESSION.

FIRST DAY.

At 12 o'clock M. on Tuesday, Jan. 13th. 1885, the members elect of the Council of the Sixteenth Session of the Legislative Assembly of Dakota Territory, met pursuant to law and the proclamation of the Governor, in the building known as the new capitol at Bismarck, Dakota, and in the room designated as the "Council Chamber," were called to order by A. E. Henderson, Chief Clerk of the Council of the last session.

FIRST DISTRICT—

H. C. Huetson,
Wm. Duncan.

SECOND DISTRICT—

J. R. Gamble,
A. S. Jones.

THIRD DISTRICT—

B. R. Wagner,
A. M. Bowdle.

FOURTH DISTRICT—

R. F. Pettigrew,
Geo. R. Farmer.

SEVENTH DISTRICT—

A. B. Smedley,
V. P. Kennedy.

EIGHTH DISTRICT—

F. J. Washabaugh,
S. P. Wells.

NINTH DISTRICT—

Charles Richardson,
Johnson Nickeus.

TENTH DISTRICT—

C. D. Austin,
D. H. Twomey.

FIFTH DISTRICT—

H. H. Natwick,
C. H. Cameron.

ELEVENTH DISTRICT—

Geo. H. Walsh,
John Flittie.

SIXTH DISTRICT—

J. H. Westover,
J. P. Day.

TWELFTH DISTRICT—

Judson LaMoure,
P. J. McLaughlin.

being present and holding certificates of election, were sworn in as members by Hon: W. H. Francis, Associate Justice of the Supreme Court of Dakota.

The following named persons were then elected as officers of said Council :

President—J. H. WESTOVER.

Chief Clerk—A. W. HOWARD.

Asst. Clerk—W. G. EAKINS.

Sergeant-at-Arms—ANDREW THOMPSON.

Asst. Sergeant-at-Arms—JOHN TODD.

Enrolling Clerk—M. B. KENT.

Messenger—T. J. RUDISILL.

Watchman—D. S. WALDO.

Chaplain—REV. C. D. AUSTIN.

The officers present were then sworn in, and the Council declared duly organized and ready for the transaction of business.

NOTE—The Journal of the proceedings of the Council of the Sixteenth Session of the Legislative Assembly of Dakota, from the first until the seventh day inclusive, were destroyed by fire while in the custody of the public printer at Bismarck, Dakota, March 6, 1885, hence the omission of the proceedings for those days from this Journal.

A. W. HOWARD,
Chief Clerk.

EIGHTH DAY.

BISMARCK, Tuesday, Jan. 20, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following members were absent: Messrs. LaMoure and McLaughlin.

Journal of the previous day read, corrected and approved.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to announce to your honorable body that House Bills Nos. 10 and 11, herewith transmitted, have this day passed the House of Representatives, and the concurrence of the same by your honorable body is respectfully requested.

C. M. REED,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 1, have had the subject under advisement and beg leave to submit the following amendments and recommend their adoption, and further recommend said bill be thereupon engrossed and ordered printed, viz:

Amend first Sec. by striking out the following words, viz: "under the orders of the District Court in and for the Third Judicial District of Dakota."

Amend Sec. 2 by striking out all after the word "shall" in the 27th line down to and including the word "date" in line 29, and inserting in lieu thereof the following, "be due in fifteen years from their date and payable at the option of the Board of County Commissioners. in ten years after the date of said bonds."

Amend section 4, by striking out the word "ten" in the 30th line and inserting in lieu thereof the word "eight." Also, in line 5, on page 3, in said Sec. 4, by striking out the words "their market," and insert in lieu thereof the following: "a price not exceeding their par."

J. R. GAMBLE,
Chairman.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Wagner, chairman of the committee on Counties, submitted the following report, viz:

MR. PRESIDENT:

The committee to whom was referred Council File No. 8,

have examined the same, and direct me to return the same with the recommendation that it do pass.

B. R. WAGNER.

Which report was adopted.

Mr. Pettigrew, chairman of the committee on Appropriations, submitted the following report, viz:

MR. PRESIDENT:

Your committee on Appropriations have had under consideration Council Bill No. 12, and report the same back with an amendment and recommend the adoption of the amendment and the passage of the bill.

R. F. PETTIGREW.

Which report was adopted.

The following bills were introduced and read the first time:

Mr. Bowdle introduced—

Council Bill No. 36. A bill for an act to extend the time of payment of taxes levied in the year 1884.

Mr. Wagner introduced—

Council Bill No. 37. A bill for an act appropriating funds for the construction of a Normal School building at Springfield, Bon Homme county, Dakota, and for other purposes.

Mr. Walsh introduced—

Council Bill No. 38. A bill for an act entitled an act to amend Sec. one (1) of Chap. thirty-six (36), of the Special Laws of 1883.

Mr. Natwick introduced—

Council Bill No. 39. A bill for an act for an appropriation for the completion and maintenance of the Agricultural College of Brookings, of the Territory of Dakota.

Also,

Council Bill No. 40. A bill for an act entitled an act repealing chapters 61 and 62 of the Laws of 1883, approved respectively March 6, 1883, and February 27, 1883.

Also,

Council Bill No. 41. A bill for an act entitled an act recognizing special presumptions in certain cases.

Also,

Council Bill No. 42. A bill for an act entitled an act relating to the foreclosure of mortgages and deeds of trust.

Also,

Council Bill No. 43. A bill for an act entitled an act to

provide for compensation of persons other than officers for the service of summons and subpoenas in this Territory.

Also,

Council Bill No. 44. A bill for an act entitled an act relating to actions by or against corporations.

Also,

Council Bill No. 45. A bill for an act creating a Board of Health for the Territory of Dakota.

Also,

Council Bill No. 46. A bill for an act to repeal Chap. eight (8) of the Session Laws of 1883, creating the office of Attorney General for Dakota Territory.

Mr. Austin introduced—

Council Bill No. 47. A bill for an act to amend Chap. one (1), Special Laws of 1883, entitled "County Auditor."

Mr. Day introduced—

Council Bill No. 48. A bill for an act to amend Sec. 1 of Chap. 112, entitled an act to provide for the organization of civil townships and the government of the same, of the laws of 1881, and to repeal Sec. 1 of said law.

Mr. Pettigrew introduced—

Council Bill No. 49. A bill for an act to authorize the county commissioners of McCook county, Dakota, to fund the outstanding indebtedness of said county.

Also,

Council Bill No. 50. A bill for an act to provide funds for the construction of a dormitory and the completion of the buildings for the Dakota School for Deaf Mutes, and for other purposes.

Also,

Council Bill No. 51. A bill for an act to repeal Chap. 8, Chap. 60 and Chap. 108 of the laws of 1883, and for other purposes.

Mr. Richardson introduced—

Council Bill No. 52. A bill for an act to amend an act entitled an act to incorporate the city of Valley City, Barnes county, D. T., and legalizing the incorporation of the city and declaring its status.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 25

Read the second time, and referred to the committee on Agriculture.

Council Bill No. 26

Read the second time, and referred to the committee on Counties.

Council Bill No. 27

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 29

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 31

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 33

Read the second time, and referred to the committee on Cities and Municipal Incorporation.

Council Bill No. 34

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 35

Read the second time, and referred to the committee on Territorial Affairs.

Council Bill No. 7

Read the second time, and referred to the committee on Counties.

Council Bill No. 11

Read the second time, and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 13

Read the second time, and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 24

Read the second time, and referred to the Committee of the Whole at 12 M., Thursday next, on motion of Mr. Kennedy.

Council Bill No. 30

Read the second time, and referred to the committee on Counties.

Council Bill No. 18

Read the second time, and referred to the committee on Appropriations.

Council Bill No. 28

Read the second time, and referred to the committee on Education.

Council Bill No. 36

Read the second time, and referred to the committee on Judiciary.

Mr. Bowdle

Asked for unanimous consent to suspend the rules and pass

Council Bill No. 36 to its second reading. There being no objection, consent was granted.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 12 was read the third time.

Mr. Pettigrew moved

That the amendment as reported by the committee on Appropriations be adopted,

Which motion prevailed.

The question being upon the passage of the bill, and the roll being called there were, ayes 21; nays 2.

Those who voted in the affirmative were—

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, LaMoure, Niekus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh and Mr. President.

Those who voted in the negative were—

Messrs. Jones and Natwick.

Mr. McLaughlin was excused from voting.

So the bill passed, and its title was agreed to.

Council Bill No. 8, to define the boundary line between Grant and Roberts counties,

Was read the third time and put upon its final passage.

The roll being called, there were 21 votes in the affirmative and 1 in the negative, as follows:

Those who voted in the affirmative were—

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, Natwick, Niekus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh and Mr. President.

Messrs. LaMoure and McLaughlin were absent.

Those who voted in the negative were—

Mr. Duncan.

So the bill passed, and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 11, to legalize an ordinance in relation to the issue of bonds of the city of Wahpeton,

Was read the first time.

House Bill No. 10, a Memorial to Congress praying for the division of the Territory,

Was read the first time.

Mr. Pettigrew moved

That the rules be suspended and that the bill be read a second time at length, and referred to the committee on Federal Affairs.

Carried.

Mr. Bowdle moved—

That the Council do now adjourn to 2 p. m. to-morrow.

Carried.

A. W. HOWARD,
Chief Clerk.

NINTH DAY.

BISMARCK, Wednesday, Jan. 21, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were found present.

Journal of the previous day read and approved.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to announce to your honorable body that the House Bills herewith transmitted, Nos. 9, 12 and 18, have this day passed the House, and that a concurrence of the same by your honorable body is respectfully requested.

C. M. REED,
Chief Clerk.

REPORT OF STANDING COMMITTEE.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred

Council Bill No. 36, have had the same under advisement, and a majority of said committee have instructed me to report the bill back and recommend its passage.

J. R. GAMBLE,
Chairman.

Which report was adopted.

INTRODUCTION OF BILLS.

Mr. Farmer introduced—

Council Bill No. 53. An act entitled an act to repeal Sec. 5 of Chap. 31, of the Session Laws of 1883.

Which was read the first time.

Mr. Duncan introduced—

Council Bill No. 54. An act to vacate certain portions of the townsite of Elk Point.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 55. For an act entitled an act to legalize the acts of W. L. Wilder, a notary public.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 56. An act to appropriate funds for the completion and maintenance of the Territorial Normal School at Madison, Dakota.

Which was read the first time.

Mr. Wells introduced—

Council Bill No. 57. An act to locate, establish and endow a school of mines for the Territory of Dakota.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 58. Joint resolution authorizing the printing of the biennial reports of the Territorial Treasurer and Auditor, and making an appropriation to pay for the same.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 37

Read the second time and referred to the committee on Appropriations.

Council Bill No. 38

Read the second time and referred to the committee on Judiciary.

Council Bill No. 39

Read the second time and referred to the committee on Appropriations.

Council Bill No. 40

Read the second time and referred to the committee on Judiciary.

Council Bill No. 41

Read the second time and referred to the committee on Judiciary.

Council Bill No. 42

Read the second time and referred to the committee on Judiciary.

Council Bill No. 43

Read the second time and referred to the committee on Judiciary.

Council Bill No. 44

Read the second time and referred to the committee on Judiciary

Council Bill No. 45

Read the second time and referred to the committee on Public Health.

Council Bill No. 46

Read the second time and referred to the committee on Judiciary.

Council Bill No. 47

Read the second time and referred to the committee on Territorial Affairs.

Council Bill No. 48

Read the second time and referred to the committee on Counties.

Council Bill No. 49

Read the second time and referred to the committee on Counties.

Council Bill No. 50

Read the second time and referred to the committee on Appropriations.

Council Bill No. 51

Read the second time and referred to the committee on Judiciary.

Council Bill No. 52

Read the second time and referred to the committee on City and Municipal Corporations.

Council Bill No. 15

Read the second time and referred to the committee on Appropriations.

Council Bill No. 17

Read the second time and referred to the committee on Appropriations.

Council Bill No. 19

Read the second time and referred to the committee on City and Municipal Corporations.

Council Bill No. 21

Read the second time and referred to the committee on Insurance.

Council Bill No. 32

Read the second time and referred to the committee on Judiciary.

Mr. Gamble asked unanimous consent to introduce

Council Bill No. 59, and give it its first reading.

There being no objection, the bill was

Read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 36

Was read the third time in full and put upon its final passage.

Mr. Gamble moved to amend

By adding the words "and approval" to the end of said bill.

Which motion prevailed.

Mr. Pettigrew moved to amend

By striking out the word "April" in second section, and inserting the word "June" in lieu thereof.

Mr. Gamble moved

That the bill under consideration be laid on the table until to-morrow's session.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 18, Joint Resolution No. 9, and House Bill No. 12, were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 11

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. John Todd being present, was sworn in as Assistant Sergeant-at-Arms of the Council.

Mr. Nickeus, member of the Judiciary committee, asked unanimous consent to make a report at this time on Council Bill No. 23.

There being no objection,

Said report was accepted, together with amendments.

Mr. Richardson moved

That the report of the Judiciary committee as made, be adopted.

Which motion prevailed.

Mr. Twomey moved

That the Council do now adjourn until to-morrow at 11 o'clock a. m.

Adjourned.

A. W. HOWARD,
Chief Clerk.

TENTH DAY.

BISMARCK, Thursday, Jan. 22, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the chaplain.

The roll being called, the following members were absent, viz:

Messrs. McLaughlin and Richardson.

Who came in soon, and both were excused.

Journal of the previous day read, corrected and approved.

REPORT OF STANDING COMMITTEE.

MR. PRESIDENT:

Your committee to whom Council File No. 10, "a Joint Resolution and Memorial to the Congress of the United States, relating to the reduction of the prices of lands within the railway grants of this Territory, have had the

same under advisement, and do herewith report such bill back to this house, with recommendation that it do pass.

GEO. R. FARMER,
Chairman.

Which report was adopted.

MR. PRESIDENT:

Your committee on Elections, to whom was referred the contest between William J. Collins, contestant, and George H. Walsh, sitting member, respondent, for a seat in this Council as member from the Twelfth Legislative District, beg leave to report that we have considered said contest in all its bearings, duly and carefully, including the testimony submitted and have heard the arguments of Messrs. Noyes & Noyes on the part of contestant, and Messrs. Bangs & Cochran for the contestee and respondent. We find that the Hon. George H. Walsh received the highest number of legal votes cast at the last general election, held on the 4th day of November, A. D. 1884, for the said office, and more than were received by the said William J. Collins; that said George H. Walsh was duly elected to the office in question and is entitled to a seat as a member of this body. We further find that the said Wm. J. Collins is not entitled to a seat in this body. It is therefore recommended by your committee that said William J. Collins be declared not entitled to said seat, and that the said George H. Walsh, contestee and respondent, be declared entitled thereto, and that he be allowed to remain seated as such member, under the oath of office already administered to him.

All of which is respectfully submitted, together with the records and testimony received and submitted in evidence before us.

A. SHERIDAN JONES, Chairman.
H. H. NATWICK, Secretary.
CHARLES RICHARDSON.
WILLIAM DUNCAN.
GEO. R. FARMER.

Wilson vs. LaMoure.

MR. PRESIDENT:

Your committee on Elections, to whom was referred the contest between Frank A. Wilson, contestant, and Judson LaMoure, sitting member, respondent, for a seat in this Council as member from the Twelfth Legislative District, beg leave to report that we have considered said contest in all its bearings, duly and carefully, including the testi-

mony submitted, and have heard the arguments of Judge Pratt on the part of contestant, and Messrs. Flannery and Melville for the contestee and respondent. We find that Frank A. Wilson received the highest number of legal votes cast at the last general election held on the 4th day of November, A. D. 1884, for the said office, and more than were received by the said Judson LaMoure. That the said Frank A. Wilson was duly elected to the office in question and is entitled to a seat as a member of this body. We further find that the said Judson LaMoure is not entitled to a seat in this body. It is therefore recommended by your committee that the said Frank A. Wilson be declared entitled to said seat, and that the said Judson LaMoure, contestee, and respondent, be not entitled thereto, and that the said Frank A. Wilson be seated as such member, and that the oath of office be administered to him. All of which is respectfully submitted, together with the records and testimony received and submitted in evidence before us.

A. SHERIDAN JONES, Chairman.

H. H. NATWICK, Secretary.

GEO. R. FARMER.

WILLIAM DUNCAN.

Territory of Dakota, Counties of Pembina, Walsh, Ramsey,
and Cavalier, Twelfth District.

In the matter of the contest of
Frank A. Wilson, }
vs. }
Judson LaMoure. }

The undersigned, one of the committee on Elections, to whom was referred the above contest, respectfully submits a minority report for the reasons following:

FIRST.

Because it appears from the records and evidence in the case that Judson LaMoure received a clear majority of all the legal votes cast in the said Twelfth District.

SECOND.

Because it appears from the records and evidence in the case that in one precinct in said district, to-wit: Kensington, known as Park River, there were 388 votes cast, 200 of which are clearly shown from said records and evidence to be illegal and fraudulent, and that out of said number of

said votes so cast at said Kensington, LaMoure received but 26 and Wilson 362; that the counting of the said illegal and fraudulent votes largely reduced LaMoure's majority in said district and apparently increased the vote for said Wilson.

THIRD.

Because after including the vote of each and every county in said district, and deducting from each the pro rata share of the illegal and fraudulent votes so cast at said Kensington, Judson LaMoure would have a clear majority over all of 92 votes.

Therefore your committee earnestly request this honorable body to re-commit this matter to them with instructions to pursue further investigation, or to investigate this matter in Committee of the Whole.

Dated January 22, 1885.

CHARLES RICHARDSON.

Mr. Nickeus moved

That the report of the committee on Elections in the case of

Collins vs. Walsh,

Be adopted.

Which motion prevailed.

Mr. Jones moved

That the majority report of the committee on Elections in the case of

Wilson vs. LaMoure,

Be adopted.

Mr. Natwick seconded the above motion.

Mr. Nickeus offered the following resolution as a substitute for the preceding motion, viz:

Resolved by the Council,

That the committee on Elections is hereby directed to report back to the Council all papers in the matter of F. A. Wilson against Judson LaMoure, and that said committee be and is hereby discharged from the further consideration of said matter; and that said case, with all the papers therein, be referred to the committee of the whole Council and be made the special order for Saturday next at 12 o'clock M., and from day to day until the same shall be disposed of.

Mr. Pettigrew moved

To amend the substitute offered by Mr. Nickeus by making it a special order for this afternoon at 4 o'clock.

The substitute as amended prevailed.

Mr. Twomey wished to be excused during the pendency of the contest of

Wilson vs. LaMoure.

There being no objection, he was so excused.

INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced and read the first time:

Mr. Twomey introduced—

Council Bill No. 60. A bill for an act to revive and re-enact Chap. 4 of the Session Laws of 1883, entitled an act to locate and establish the North Dakota Territorial Agricultural College, approved March 9th, 1883.

Also,

Council Bill No. 61. A bill for an act making appropriations for the purpose of constructing and furnishing a building for the North Dakota Territorial Agricultural College at Fargo, Dakota.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 53

Read the second time and referred to the committee on Counties.

Council Bill No. 54

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 55

Read the second time and referred to the committee on Judiciary.

Council Bill No. 56

Read the second time and referred to the committee on Appropriations.

Council Bill No. 57

Read the second time and referred to the committee on Appropriations.

Council Bill No. 58

Read the second time and referred to the committee on Appropriations.

Council Bill No. 59

Read the second time and referred to the committee on Public Printing.

12 o'clock M.

The hour for the special order of to-day having arrived, the Council went into Committee of the Whole.

Mr. Jones in the chair.

Mr. Jones made the following report upon the committee, rising, viz:

Resolved, that the committee rise and report back Council Bill No. 24, and recommend that the amendments be printed and the bill be made the special order for tomorrow at 11 o'clock a. m.

Which report was adopted.

Mr. Natwick asked unanimous consent to make the following report, viz:

MR. PRESIDENT:

Your committee to whom was referred Joint Resolution House File No. 10, have had the same under consideration and report the same back without amendment, and recommend that the same do pass.

H. H. NATWICK, Chairman.

GEO. H. WALSH.

A. B. SMEDLEY.

WM. DUNCAN.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 10

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh and Mr. President.

Mr. LaMoure being absent.

So the bill passed, and its title was agreed to.

SECOND READING OF HOUSE BILLS.

Joint Resolution No. 9

Was read the second time.

Mr. Kennedy asked unanimous consent to suspend the rules, and that

Joint Resolution No. 9 (House) be passed to its third reading and final passage.

There being no objection, the President so ordered.

House Bill No. 12

Read the second time and referred to the committee on Revenue.

House Bill No. 18

Read the second time and referred to the committee on Rules.

THIRD READING OF HOUSE BILLS.

House Bill No. 10

Was read the third time and put upon its final passage.

Mr. Twomey moved

An amendment to strike out all that portion of the bill relating to the admission of the southern half into the sisterhood of States.

Mr. Twomey withdrew his amendment after discussion.

Mr. Gamble offered the following amendment, viz:

Amend the Memorial by inserting after the ninth line of the last page of said Memorial the following:

“And although the people of all Dakota are earnestly in favor of the admission of the southern half as a state, still they will hail with joy division only. And if asking for admission of the southern half as a state will in any manner delay division, then we request division without the admission prayed for, at the earliest possible time.”

Which was adopted.

Mr. Pettigrew offered the following amendment, viz:

Insert after the word “survey” “or the 46th parallel of North latitude, in the discretion of Congress.”

Which amendment was adopted.

The bill was read the third time as amended, and put upon its final passage.

The roll being called, there were 23 votes in the affirmative, and no votes in the negative, viz.:

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley,

Twomey, Wagner, Washabaugh, Wells, Walsh and Mr. President.

Mr. LaMoure being absent.

So the bill passed, and its title was agreed to.

House Bill No. 9

Was read the third time and placed upon its final passage.

The roll being called, there were, ayes 9; nays 14.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Huetson, Kennedy, McLaughlin, Nickeus, Richardson, Smedley.

Those who voted in the negative were:

Messrs. Bowdle, Duncan, Farmer, Flittie, Gamble, Jones, Natwick, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh. Mr. President.

Mr. LaMoure being absent.

So the bill was lost.

Mr. Pettigrew moved

To reconsider the vote by which the previous question was lost, and that motion be laid upon the table.

Mr. Flittie moved

That we do now adjourn to 4 o'clock p. m. this afternoon.

The ayes and nays were called for.

The roll being called, there were, ayes 7; nays 16.

Those who voted in the affirmative were:

Messrs. Day, Flittie, Gamble, Kennedy, Nickeus, Smedley, Walsh.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Huetson, Jones, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. LaMoure being absent.

So the motion was lost.

Mr. Pettigrew's motion to reconsider and lay upon the table was renewed and carried.

Mr. Twomey moved

That we do now take a recess until 4 o'clock p. m. this afternoon.

Which motion prevailed.

AFTERNOON SESSION.

Upon coming to order at 4 o'clock p. m.,

Mr. Walsh asked unanimous consent to introduce a Joint Resolution, and there being no objection, it was introduced and read the first time.

Mr. Walsh moved

That the rules be suspended, and that

Council Joint Resolution No. 62, relating to procuring coal for use of the capitol, be passed to its second and third reading and final passage.

Which motion prevailed.

The roll being called, there were, ayes 17; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron and Natwick.

Messrs. Duncan, Gamble, Pettigrew, Twomey and Wagner being absent.

So the Joint Resolution passed, and its title was agreed to.

The Council then went into Committee of the Whole in consideration of the contest case of

Wilson vs. LaMoure,

With Mr. Walsh in the chair.

Upon rising, Mr. Walsh reported that

It was the sense of the committee that they should rise and make the further consideration of this case the special order for 2 p. m. to-morrow.

Which report was adopted.

Mr. Walsh moved

That the Council do now adjourn until 11 o'clock to-morrow.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

ELEVENTH DAY.

BISMARCK, Friday, Jan. 23, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the chaplain.

The roll being called, the following members were absent, viz.:

Messrs. Duncan, Walsh and LaMoure.

The Journal of yesterday as read, was then corrected and approved.

The hour for the special order having arrived, the Council went into Committee of the Whole for the consideration of Council Bill No. 24, entitled "a bill for an act to relocate the seat of government of the Territory of Dakota."

With Mr. Jones as chairman.

Mr. Westover offered the following amendment to the bill:

Strike out the words "with the appurtenances thereto belonging," where they occur in Sec. 2.

Also strike out all of said act following the words "transferred to the," where those words occur in the second section, and by adding thereto the following:

"Persons who contributed money, labor or materials for the construction of the Capitol building and the improvement of the grounds thereat, in proportion to the sum or sums of money so contributed, or the value of the labor performed or materials furnished and unpaid; and all indebtedness incurred by the Capitol Commission, mentioned in said act, for labor shall be first paid out of the proceeds received from the sale of the said real property, and the District Court or a judge thereof, upon the application of any

person having contributed any labor, money or material shall have power to appoint a receiver of all of said property with power to control, sell or dispose of said real property, to pay all of the said indebtedness, and thereafter to distribute the balance received from the sale or disposition of said property to all persons who have contributed labor, materials or money as aforesaid, pro rata, and said receiver shall have full power of a receiver under the Code of Civil Procedure under the direction of the District Court or a judge thereof."

Sec. 3. Within ten days after the taking effect of this act, all the territorial officers whose offices are properly kept at the seat of government, shall remove their several offices, together with the public property, archives, records, books and papers, to the said city of Pierre, and the public offices of the said Territory shall thereafter be kept at said city of Pierre, and the future sessions of the Legislature shall be there held.

Sec. 4. Upon the taking effect of this act the present Legislative Assembly shall stand adjourned until the seventh day thereafter, when it shall convene at the city of Pierre, where the remainder of the Sixteenth Session of the Legislative Assembly of said Territory shall be held.

Sec. 5. All acts and parts of acts in any manner conflicting with any of the provisions of this act, are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage and approval.

Which amendment was adopted.

Mr. Jones asked to be relieved as chairman, on account of illness, and

Mr. Smedley was called to the chair.

Mr. Kennedy offered the following amendment:

Wherever the words "the city of Pierre, in the county of Hughes" appears, either in the original bill or the amendments to the bill, the same shall be stricken out and the words "the village of Ordway, in the county of Brown," be inserted in lieu thereof.

Which was adopted.

The committee then rose, and

The President resumed the chair.

Mr. Smedley made the following report:

MR. PRESIDENT:

The Committee of the Whole have had under consideration Council Bill No. 24, and report the bill back to the Council with amendments, with the recommendation that the bill do pass as amended.

Which was adopted.

Mr. Walsh

Presented a petition from J. F. Williams and eighty others of Grand Forks county, favoring the repeal of the township school system.

And

Moved it be referred to the committee on Education.

And it was so referred.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee to whom was referred Council Bill No. 26 have examined the same and direct me to return the same, with the recommendation that it do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 28, being "a bill for an act authorizing the Ordway school township, in the county of Brown, to issue bonds to take up outstanding school warrants," beg leave to report that they have had the same under consideration and recommend that it pass.

S. P. WELLS,
Chairman.

Mr. Twomey moved

The Council now take a recess until 2 o'clock p. m. of to-day, the hour set for the special order of the contest election case of Wilson vs. LaMoure.

Which motion prevailed.

AFTERNOON SESSION.

The hour for the special order of to-day having arrived, the Council went into Committee of the Whole,

With Mr. Walsh in the chair.

Mr. Gamble moved

That we do now adjourn until 11 o'clock to-morrow.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

TWELFTH DAY.

BISMARCK, Saturday, January 24, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the chaplain.

The roll being called, Mr. Jones was absent.

The hour having arrived for the special order of to-day in the contest case of

Wilson vs. LaMoure,

Mr. Richardson offered the following resolution, viz.:

Resolved, That Judson LaMoure is entitled to his seat on this floor as a member of the Council from the Twelfth Legislative District, and that Frank A. Wilson is not entitled to a seat as a member of the Council from the Twelfth Legislative District.

Mr. Nickeus moved

That the special order be passed and that the resolution offered by Mr. Richardson be taken up and considered.

Which motion prevailed.

Mr. Nickeus moved

That the resolution be adopted.

Which motion prevailed.

Also,

That the motion just adopted be reconsidered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to announce to your honorable body that

House Bill No. 36. A Memorial to Congress for passage of the Mexican war pension bill, did, on the 22d inst., pass the House of Representatives, which is herewith transmitted, and that a concurrence in the same by your honorable body is respectfully requested.

I am also directed to inform the Council that the House of Representatives did, on the 23d inst., pass under a suspension of the rules,

House Bill No. 26. A Joint Resolution asking that a committee of twelve be appointed, seven from the house and five from the Council, to report from time to time to their respective houses what action they deem it advisable that this Legislature should take to secure division of the Territory, etc.

Also,

House Bill No. 29. A bill for an act authorizing and empowering the county commissioners of Grant county to liquidate certain illegal taxes collected for 1882.

Also,

House Bill No. 32. A bill for an act to authorize the county commissioners of Day county to fund the outstanding indebtedness thereof, with an amendment so as to include "Hyde county."

Also,

House Bill No. 39. A bill for a Joint Resolution for the appointment of a committee to report as to what persons are needed to take proper care of the building in which the Legislature meets.

All of which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

I am also directed to announce to your honorable body, that the House of Representatives did, on the 23d inst., pass under a suspension of the rules,

Council Bill No. 10. A bill for a Joint Resolution and Memorial to the Congress of the United States, relating to the reduction of the prices of public lands within the railway grants of this Territory.

Also,

Council Bill No. 12. A bill for an act relating to the

World's Industrial and Cotton Centennial Exposition at
New Orleans, Louisiana.

And which are herewith transmitted.

Very Respectfully,

CASSIUS M. REED,
Chief Clerk.

REPORT OF SELECT COMMITTEES.

Mr. Wagner, from the committee on Counties, submitted the following report:

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 30. Entitled "An act creating the county of Payson, and defining the boundaries of Payson and Spink counties and locating the county seats of each of said counties," would respectfully report that they have had the same under consideration, and beg leave to report a substitute for said bill and recommend that the substitute do pass.

Which was adopted.

Mr. Gamble moved

That the committee on Revenue be increased by two members, the same to be appointed by the chair.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Kennedy introduced—

Council Bill No. 65. A bill for an act to change the name of the village of Ordway, in Brown county, D. T.

Which was read the first time.

Mr. Natwick introduced—

Joint Resolution No. 63. A Joint Resolution providing for printing of the report of the Regents of the Agricultural College of Brookings county, Dakota.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 71. A Joint Resolution providing for certain public printing, and making an appropriation to pay for the same.

Which was read the first time.

And on motion of Mr. Twomey the rules were suspended and the Joint Resolution was

Read the second time.

On motion of Mr. Kennedy the rules were suspended, and

Council Bill No. 65 was read the second time.

Mr. Gamble introduced—

Council Bill No. 64. A bill for an act for an additional wing to the Dakota Hospital for the Insane.

Which was read the first time.

Mr. Smedley introduced—

Council Bill No. 73. An act to provide for the establishment of a Board of Railroad Commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory.

Which was read the first time.

Mr. Duncan introduced—

Council Bill No. 66. A bill for an act to amend Chap. 30 of the Code of Civil Procedure, Revised Statutes 1877, of the Territory of Dakota; and making an annual appropriation for the maintenance of the militia.

Which was read the first time.

Mr. Huetson introduced—

Council Bill No. 67. A bill for an act entitled an act making appropriation for the current and contingent expenses of the University of Dakota for the ensuing two years.

Which was read the first time.

Also,

Council Bill No. 68. A bill for an act entitled an act to amend Sec. 56 of Chap. 26 of the Political Code, as amended by Sec. 11 of Chap. 118, of the Session Laws of 1881.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 69. A bill for an act making appropriation for the current and contingent expenses of the Territorial Penitentiary at Sioux Falls.

Which was read the first time.

Mr. Huetson introduced—

Council Bill No. 70. A bill for an act entitled an act to provide funds for furnishing the main building of the University of Dakota; to erect an additional building for dormitories and for other purposes.

Which was read the first time.

Mr. Richardson introduced—

Council Resolution No. 72. A Joint Resolution and

Memorial to Congress praying for the passage of the bill pending to name Lieut. A. W. Greely as Assistant Chief of the United States Signal Service.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 60

Was read the second time and referred to the committee on Education.

Council Bill No. 61

Was read the second time and referred to the committee on Appropriations.

On motion of Mr. Kennedy the rules were suspended and Council Bill No. 62

Was passed to the regular order of third reading.

Council Bill No. 71

Read the second time and referred to the committee on Public Printing.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 30. An act creating the county of Garfield and defining the boundaries of Garfield and Spink counties, and locating the county seat of Spink county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan and Jones.

So the bill passed and its title was agreed to.

Council Bill No. 26. A bill for an act to define the boundary lines of McPherson and Edmunds counties.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Jones, Richardson and LaMoure.

So the bill passed, and its title was agreed to.

Council Bill No. 28. An act to allow the school township of Ordway, in Brown county, to issue bonds to fund outstanding indebtedness.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Cameron, Duncan, Jones, LaMoure and Richardson.

Mr. President was excused from voting.

So the bill passed and its title was agreed to.

Council Bill No. 65. A bill for an act to change the name of the village of Ordway, Brown county, Dakota,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Nickeus and Walsh.

Absent and not voting:

Messrs. Duncan, Jones, LaMoure and Richardson.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved that

Council Bill No. 36

Be taken from the table and

Read the third time and put upon its final passage,

Which motion prevailed.

Mr. Pettigrew asked unanimous consent to withdraw his amendment to

Council Bill No. 36.

Mr. Kennedy objected.

The amendment as offered by Mr. Pettigrew was adopted.

Mr. Washabaugh offered the following amendment, viz :
 "Provided, however, that the provisions of this act shall not apply to the county of Lawrence."

The roll being called on the adoption of Mr. Washabaugh's amendment, there were, ayes 15; nays 7.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Day, LaMoure, Nickeus, Pettigrew, Richardson, Smedley.

Absent and not voting:

Messrs. Duncan and Jones.

So the amendment was adopted.

Council Bill No. 36. An act to extend the time of payment of taxes levied in the year 1884, as amended,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays 7.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Gamble, Huetson, LaMoure, McLaughlin, Washabaugh, Wells.

Absent and not voting:

Messrs. Duncan and Jones.

So the bill passed and its title was agreed to.

Mr. LaMoure asked to be excused until Tuesday next.

There being no objection, he was excused.

Mr. Twomey moved

That the Council do now adjourn until 2 o'clock p. m. Monday next.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
 Chief Clerk.

FOURTEENTH DAY.

BISMARCK, Monday, Jan. 26, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, Mr. Jones was absent,
And on motion was excused on account of sickness.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

A communication was received from the Governor relating to a constitutional convention for Southern Dakota.

Also,

One from the Texas Live Stock Association.

Also,

The report of the Capitol Commissioners.

All of which were read and referred to the committee on Territorial Affairs.

REPORT OF STANDING COMMITTEES.

Mr. Austin, from the committee on Revenue, made the following report, viz:

BISMARCK, Dakota, January 26, 1885.

MR. PRESIDENT:

Your committee to whom was referred Council Bill No. 6, beg leave to report that they have had the same under consideration, and recommend the same be amended as follows:

1st. Amend Sec. 1 by striking out the word "maturing where it occurs in the third line of the printed bill, and insert in lieu thereof the word "present."

2d. Amend Sec. 5 by striking out the words "any resident elector" where they occur in the ninth line of said section in the printed bill, and insert in lieu thereof the words "six resident electors." Strike out the word "one-fourth" in the eleventh line, and insert in lieu thereof the word "one-third." Also strike out all of said section after the words "resident electors of such district," where the same occur in the eleventh line of said section, and insert in lieu thereof the following: "A majority of the legal voters present and voting at such meeting shall first appoint a committee of three from their number, resident freeholders, and possessing other qualifications of electors of the districts, to audit and settle the indebtedness of the district. Said committee shall at once cause notice to be given of their appointment, and shall in said notice set a time during which the outstanding indebtedness shall be presented to them. Said time shall not be less than thirty days, or more than ninety days, and said notice shall be published in some newspaper of general circulation, published in each of the counties of Barnes and Griggs, and shall also set forth the time when the committee will make a full report of their duties to the electors of such district, whereupon the electors shall meet at such time and place to receive said report and submit the question of the issuing of bonds to provide for the payment of the indebtedness as audited and settled. And the auditing or settling by said committee shall not be construed to be in any manner binding on said district, or be construed as an admission of the legality of any claim or alleged claim against said district, and no bonds shall be issued until the claims for which they are issued shall be delivered up and cancelled, and a full record shall be kept of all proceedings of said meetings and the acts of said committee, and of the votes cast, and of the names of all the persons who voted at said meetings, and shall be preserved as a record in the district, and a certified copy of each record shall be filed with the county clerk, which shall be kept in his office as a public record, The ballots in favor of and opposed thereto shall contain the words respectively, "for issuing bonds," and "against issuing bonds," and if a majority of all the votes cast be in favor of issuing bonds, the school board shall forthwith proceed to issue bonds to the amount of the indebtedness as audited and settled, and running for such length of time as shall be determined by the further

vote of the resident voters present, within the limits prescribed by this act.

3d. Amend Sec. 6 by striking out the words "after such sale or disposal" where they occur in the second line of said section, printed bill, and further amend said section by striking out all after the word "county" where it last occurs in line sixteen, said section. And further amend Sec. 6 by striking out the first six lines thereof, and the words "so lawfully voted" in the seventh line, and insert in lieu thereof the following: "Before said bonds are issued, sold or disposed of, they shall be presented to the county clerk, and the said county clerk shall carefully examine the notices of election and the proof of posting or publishing the same, and shall also carefully examine all returns of the election, and all proceedings of said committee and of said district meetings; and the settlement, auditing and vote authorizing the issuance of said bonds, which examination shall be made from the records filed in his office, as provided for in the preceding section, and if satisfied therefrom that such bonds are authorized to be issued as provided for in this act, and the claims for which they are issued are delivered up and cancelled.

4th. Strike out all of Sec. 10 as it now reads, and insert the following: "This act shall not apply to school districts which shall be organized after the passage of this act.

Mr. Smedley moved

That the report be adopted, and that
The bill as amended be ordered printed.

Mr. Gamble moved as an amendment that

The bill as amended be engrossed, ordered printed and recommitted.

Which motion prevailed.

Mr. Richardson, from the committee on Enrolled and Engrossed Bills, made the following report:

MR. PRESIDENT:

Your committee beg leave to report that Council Bills No. 1 and No. 23 are correctly engrossed. Also Council Bill No. 10.

Mr. Richardson, from the committee on Printing, made the following report:

MR. PRESIDENT:

Your committee on Public Printing, to whom was referred

Joint resolution No. 71,

Providing for printing certain public documents and making an appropriation therefor, have examined the same and beg leave to report the same back, with the recommendation that it do pass.

Mr. Wells, from the committee on Education, made the following report:

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 60, being "A bill for an act to revive and re-enact Chap. 4, of the Session Laws of 1883, entitled 'An act to locate and establish the North Dakota Territorial Agricultural College, approved March 9, 1883,'" beg leave to report that they had the same under consideration, and recommend that it do pass.

Mr. Wells moved that,
Council Bill No. 24,

Entitled, A bill for an act to re-locate the capital of Dakota Territory,

Be referred to a special committee of five, to be appointed by the chair.

Mr. Twomey moved as an amendment that
Further consideration of
Council Bill No. 24

Be postponed to four weeks from to-day, at 2 o'clock p. m.

The yeas and nays were called for,

And the roll being called, there were, ayes 9; nays 12.

Those who voted in the affirmative were:

Messrs. Austin, Day, Huetson, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Gamble, Kennedy, Natwick, Pettigrew, Washabaugh, Wells, Walsh,
Mr. President.

Absent and not voting:

Messrs. Flittie, Jones and LaMoure.

So the motion was lost.

MESSAGES FROM THE HOUSE.

BISMARCK, Dakota, January 26, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body

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that on January 24, 1885, the House of Representatives did pass, under a suspension of the rules,

Council Bill No. 62. A bill for a Joint Resolution relating to the procuring of coal for use in the capital building.

And which is herewith transmitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

BISMARCK, Dakota, January 26, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that on January 24, A. D. 1885, the House of Representatives passed

House Bill No. 13. A bill for an act to amend Sec. 218 of the Code of Civil Procedure.

Also,

House Bill No. 14. A bill for an act to define the boundaries of McPherson and Edmunds counties.

Also,

House Bill No. 16. A bill for an act to amend Sec. 339 of the Code of Civil Procedure.

Which said bills are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. McLaughlin moved that further consideration of Council Bill No. 24

Be indefinitely postponed.

The yeas and nays were called for.

The roll being called, there were ayes 5; nays 16.

Those who voted in the affirmative were:

Messrs. Austin, McLaughlin, Nickeus, Richardson, Wagner.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Jones, and LaMoure.

And so the motion was lost.

Mr. Nickeus moved that a
Call of the House be made.

And the roll being called, there were, ayes 9; nays 13.

Those who voted in the affirmative were:

Messrs. Austin, Huetsen, LaMoure, McLaughlin, Nickeus,
Richardson, Twomey, Wagner, Washabaugh.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Gamble,
Kennedy, Natwick, Pettigrew, Smedley, Wells, Walsh, Mr.
President.

Absent and not voting:

Messrs. Flittie and Jones.

So a call of the House was ordered.

The roll being called, there were present:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
Gamble, Huetsen, Kennedy, LaMoure, McLaughlin, Nat-
wick, Nickeus, Pettigrew, Richardson, Smedley, Twomey,
Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Flittie being absent and not excused, the President
ordered the Sergeant-at-Arms to bring in the absentee and
place him before the bar of the House.

Mr. Flittie appearing within the bar of the house,

Mr. Nickeus moved

That further proceedings under the call of the House be
dispensed with.

Which motion prevailed.

The question now recurred upon the motion of Mr. Wells
to appoint a committee of five.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to announce to your honorable body
that the House of Representatives respectfully request the
return of

House Bill No. 14. A bill for an act to define the bound-
aries of McPherson and Edmunds counties.

Very Respectfully,

C. M. REED.

Chief Clerk House.

There being no objection,
House Bill No. 14

Was returned to the House by the Chief Clerk.

Mr. Austin moved the adoption of the following resolutions:

RESOLVED, That the President and Chief Clerk of this Council be instructed to convey to the Hon. H. M. Teller our congratulations upon his election to the U. S. Senate, and express our appreciation of his wise and upright administration of the Department of the Interior.

Which motion prevailed.

• INTRODUCTION OF BILLS.

Mr. Smedley introduced—

Council Bill No. 74. An act to locate and establish an Asylum and School for the Blind at the village of Milbank, in Grant county, Dakota Territory.

Which was read the first time.

Also,

Council Bill No. 75. A bill for an act creating the county of Marshall and defining the boundaries of Day county.

Which was read the first time.

Mr. Farmer introduced—

Council Bill No. 76. A bill for an act to amend Sec. 101 of Chap. 9 of the Code of Civil Procedure.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 77. A bill for an act entitled an act appropriating funds for the contingent and current expenses of the University of North Dakota.

Which was read the first time.

Also,

Council Bill No. 78. A bill for an act to provide funds for the construction of a main building for the University of North Dakota.

Which was read the first time.

Mr. Day introduced—

Council Bill No. 79. An act to amend Sec. 3 of Chap. 63 of laws of 1883.

Which was read the first time.

• Mr. LaMoure introduced—

Council Bill No. 80. An act to amend Sec. 7, Chap. 39 of Revised Code.

Which was read the first time.

Also,

Council Bill No. 81. An act to amend Sec. 1, Chap. 8 of the Revised Code.

Which was read the first time.

Also,

Council Bill No. 82. An act to amend Sec. 540 of Article 14 of Chap. 3 of the Revised Code.

Which was read the first time.

Also,

Council Bill No. 83. An act to amend Sec. 15, Chap. 21, Revised Code.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 84. A Joint Resolution providing for the purchase of water for capitol building.

Which was read the first time.

Also,

Council Bill No. 85. A bill for an act to provide for the payment of the expenses of sending militia to Spink county and to require the payment thereof by the city of Redfield.

Which was read the first time.

Mr. Huetson introduced—

Council Bill No. 86. A bill for an act regulating the per diem and mileage of directors, trustees and regents of Territorial institutions.

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 87. A bill for an act supplementary to Chap. 28 of the Political Code, entitled Revenue, and to authorize the bringing of suits for the recovery of delinquent taxes, and to regulate proceedings therein.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 88. A bill for an act to authorize the purchase and distribution of two hundred and fifty copies of the third volume of the Dakota Supreme Court Reports.

Which was read the first time.

Also,

Council Bill No. 89. A bill for an act to authorize the county commissioners of Yankton county to remit certain taxes.

Which was read the first time.

Also,

Council Bill No. 90. A Joint Resolution authorizing the

President of the Council and Speaker of the House of Representatives to appoint stenographers for their respective houses.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 91. An act authorizing the county of Foster to issue bonds for the building of a court house and for other purposes.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 92. A bill for an act to locate the Central Dakota University and for other purposes connected therewith.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 93. A Memorial to the Congress of the United States praying for the granting of civil and criminal jurisdiction to the Probate Courts of the Territory of Dakota.

Which was read the first time.

Mr. Natwick receiving unanimous consent, moved that the rules be suspended and that

Council Bill No. 63

Be passed to its second reading.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 63

Read the second time and referred to the committee on Counties.

Council Bill No. 64

Read the second time and referred to the committee on Appropriations.

Council Bill No. 66

Read the second time and referred to the committee on Military Affairs.

Council Bill No. 67

Read the second time, and referred to the committee on Appropriations.

Council Bill No. 68

Read the second time and referred to the committee on Revenue.

Council Bill No. 69

Read the second time and referred to the committee on Appropriations.

Council Bill No. 70

Read the second time and referred to the committee on Appropriations.

Council Bill No. 73

Read the second time and referred to the committee on Railroads.

Council Bill No. 72

Read second time.

Mr. Richardson moved that the rules be suspended and that

Council Bill No. 72

Be passed to its third reading.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Joint Resolution No. 72. A Memorial to Congress praying for the passage of the bill pending in Congress to name Lieut. A. W. Greely as Asst. Chief of the U. S. Signal Service.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure and McLaughlin.

So the bill passed, and its title was agreed to.

Council Bill No. 63. A Joint Resolution providing for the printing of the report of the regents of the Agricultural College of Brookings county, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Mr. Jones.

So the bill passed, and its title was agreed to.

Council Bill No. 10. A Joint Resolution and Memorial to the Congress of the United States relating to the reduction of the prices of public lands within the railway limits of this Territory,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoure and Smedley.

So the bill passed, and its title was agreed to.

Mr. Washabaugh moved

That the rules be suspended requiring all bills to be printed before the third reading, and that

Council Bill No. 1 be put upon its final passage.

Which motion prevailed.

Council Bill No. 1. A bill for an act authorizing the board of county commissioners of Grand Forks county, D. T., to fund the outstanding indebtedness of said county,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Jones, LaMoure and Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 23. A bill for an act to protect the passage of fish in the James or Dakota and Cheyenne rivers in Dakota,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan and McLaughlin.

Absent and not voting:

Messrs. Jones and LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 71. A Joint Resolution providing for certain public printing, and making an appropriation to pay for the same,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16, nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Kennedy, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Austin, McLaughlin, Natwick, Pettigrew, Walsh.

Absent and not voting:

Messrs. Gamble, LaMoure and Jones.

So the bill passed and its title was agreed to.

Council Bill No. 60. A bill for an act to revise and re-enact Chap. 4 of the Session Laws of 1883, entitled an act to locate and establish the North Dakota Territorial Agricultural College, approved March 9th, 1883.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. McLaughlin voted in the negative.

Absent and not voting:

Messrs. Flittie and Jones.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills No. 13, 14 and 16
Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 26
Was read the second time.

Mr. Walsh moved that the rules be suspended, and that
House File No. 26
Be passed to its third reading.
Which motion prevailed.

House File No. 29
Read the second time, and referred to the committee on
Counties.

House File No. 32
Read the second time, and referred to the committee on
Counties.

House Bill No. 36
Read the second time, and referred to the committee on
Military Affairs.

House Bill No. 39
Read the second time, and referred to the committee on
Territorial Affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 26. A Joint Resolution asking that a
committee of twelve be appointed,

Was read the third time and put upon its final passage.
The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
Huetson, Kennedy, LaMoure, McLaughlin, Natwick,
Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wag-
ner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble and Jones.

So the bill passed and its title was agreed to.

Mr. Bowdle moved that the Council do now adjourn
until 2 o'clock p. m. to-morrow.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTEENTH DAY.

BISMARCK, Tuesday, Jan. 27, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the chaplain.

The roll being called, all members were present except Mr. Jones, who was excused.

REPORTS OF COMMITTEES.

Mr. Westover, from the committee on Rules, submitted the following report:

To the Members of the Council:

Your committee on Rules beg leave to report that they have had under consideration

House Bill No. 18. An act to amend an act entitled an act to employ Assistant Sergeant-at-Arms for the Council and House of Representatives, and to provide their compensation, and

Recommend that the same be amended by striking out the words "one doorkeeper" from the fourth line of Sec. 1, and also by striking out the word "doorkeeper" from the fifteenth line of said section, and inserting in lieu thereof the word "watchman," and that the act so amended be adopted.

Mr. Wagner, from the committee on Counties, submitted the following report:

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 44,

Have examined the same and instructed me to return the same with the recommendation that it do pass.

Your committee has also examined
Council Bill No. 53,

And instruct me to return the same to the Council with
the recommendation that it do pass.

Your committee has also examined
Council Bill No. 7,

And instruct me to return the same to the Council with
the recommendation that it do pass, after striking out the
words "two per cent," and inserting in lieu thereof the
words "one-half of one per cent," in Sec. 10.

Mr. Richardson, from the committee on Printing, sub-
mitted the following report:

MR. PRESIDENT:

Your committee on Printing, to whom was referred
Council Bill No. 59. Relating to the printing of the
biennial reports of the territorial officers, beg leave to
report the same back without action,

Mr. LaMoure, from the committee on Cities and Muni-
cipal Corporations, submitted the following report:

Your committee to whom was referred
Council Bills Nos. 33, 52 and 54,

Also,

House Bill No. 11,

Have had the same under consideration and report the
same back with the recommendation that they do pass.

MESSAGE FROM THE HOUSE.

BISMARCK, Dak., Jan. 27, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body
that on the 26th instant the House of Representatives did
pass

House Bill No. 23. A bill for an act authorizing the
county of Morton to issue bonds for the purpose of procur-
ing ground and erecting thereon a court house and jail for
the county of Morton.

Also,

House Bill No. 30. A bill for an act to amend Sec. 1,
Chap. 85, of the Session Laws of 1883, concerning live
stock, with amendments thereto, inserting "90" instead of
"60."

Also,

House Bill No. 66. A bill for an act authorizing a special tax levy in the city of Steele, Dakota Territory, and to amend the charter of said city.

Also,

House Bill No. 65. A bill for an act to amend Chap. 46 of the Session Laws of 1881.

All of which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Kennedy for himself and the other members of the joint committee on Grain and Grain Grading, asked and were granted leave of absence until Tuesday next to confer with a similar committee from the Minnesota Legislature.

INTRODUCTION OF BILLS.

Mr. Walsh introduced—

Council Bill No. 94. A bill for an act entitled an act to provide for the levy and collection of taxes, and for other purposes.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 95. A bill to change the name of the St. James Protestant Episcopal church, of Jamestown, Dakota.

Which was read the first time.

Also,

Council Bill No. 96. A bill creating the county of Fancher and defining its boundaries.

Which was read the first time.

Mr. LaMoure introduced—

Council Bill No. 100. A Joint Resolution authorizing the President of the Council and Speaker of the House of Representatives to appoint an Assistant Enrolling and Engrossing Clerk and an Assistant Clerk of the Council and House of Representatives.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 98. A bill for an act to define the boundaries of Wells county.

Which was read the first time.

Also,

Council Bill No. 99. A bill for an act providing for the issue of bonds for the erection of court house, jail and other purposes, in the county of Wells.

Which was read the first time.

Also,

Council Bill No. 97. A bill to amend Chap. 37 of the Laws of 1881, relating to the county commissioners for Stutsman county.

Which was read the first time.

Mr. Natwick introduced—

Council Bill No. 101. A bill for an act to repeal Secs. 6, 7, 8, 16 and 17, of Chap. 3, Session Laws of 1883.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 102. A bill for an act creating the office of Commissioner of Immigration, and providing for the appointment of a Commissioner of Immigration for the Territory of Dakota.

Which was read the first time.

MESSAGE FROM THE HOUSE.

BISMARCK, Dak., January 27, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that the House of Representatives has this day refused to concur in the amendments adopted by the Council to

House Bill No. 10. A bill for a Joint Resolution and Memorial to Congress for division of the Territory, and admission of the southern division as a state, and that

Said bill is herewith returned. And that

The House respectfully request that a

Committee of Conference be appointed.

Very Respectfully,

C. M. REED,

Chief Clerk House.

Mr. Gamble moved

That the Council refuse to recede from its amendments, and that a

Committee of Conference be appointed, consisting of five members, to act with a like committee from the House.

Which motion prevailed.

THIRD READING OF BILLS.

Council Bill No. 49. A bill for an act to authorize the

county commissioners of McCook county to fund the outstanding indebtedness of said county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Gamble. Jones, LaMoure and Washabaugh.

So the bill passed and its title was agreed to.

Joint Resolution No. 59. A Joint Resolution authorizing the printing of the biennial reports of the Territorial Treasurer and Auditor, and making an appropriation to pay for the same.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin and Jones.

So the bill passed and its title was agreed to.

Council Bill No. 53. A bill for an act entitled an act to repeal Sec. 5, Chap. 31, of the Session Laws of 1883.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoure and Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 33. A bill for an act to change the name of the town of Elgin, in Cass county, to Ayr.

Was read the third time and put upon its final passage. The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoure and Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 52. A bill for an act to amend an act entitled an act to incorporate the city of Valley City, Barnes county, Dakota Territory, and legalizing the incorporation of the city and declaring its status.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones and LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 54. A bill for an act to vacate certain portions of the town of Elk Point.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones and LaMoure.

So the bill passed and its title was agreed to.

The President announced as members of the Conference Committee on Memorial for the division of the Territory (House File No. 10),

Messrs. Gamble, Twomey, Pettigrew, Washabaugh and Richardson.

Mr. Pettigrew moved
That the amendment to
Council Bill No. 7
Be adopted.
Which motion prevailed.

Mr. Bowdle moved
That the rules be suspended and that the further reading
of

Council Bill No. 7, a bill for an act authorizing the commissioners of Grant county to fund the outstanding indebtedness thereof, be dispensed with,
And put upon its final passage.
Carried.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:
Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:
Messrs. Jones and LaMoure.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 23, 30, 65 and 66
Were read the first time.

SECOND READING OF HOUSE BILLS.

House File No. 13
Read the second time and referred to the committee on
Judiciary.

House File No. 16
Read the second time, and referred to the committee on
Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 11. A bill for an act to legalize a certain ordinance of the town of Wahpeton, providing for the establishment of waterworks, and to legalize the issue of certain bonds thereunder.

Was read the third time and put upon its final passage.
The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, Kennedy and LaMoure.

So the bill passed and its title was agreed to.

House Bill No. 18. A bill for an act to amend an act entitled an act to employ Assistant Sergeant-at-Arms for the Council and House of Representatives, and to provide their compensation.

Was read the third time.

Mr. Nickeus moved

That the report of the committee on Rules and the amendments recommended by them on said bill be adopted.

Which motion prevailed.

Mr. Gamble moved

To amend Sec. 1 of the original bill, by inserting after the word "House," where it occurs in the tenth line of said section, the words "the duties of which postmaster shall be prescribed by the President of the Council."

Which motion prevailed.

And the bill as amended was put upon its final passage.

The roll being called, there were, ayes 10; nays 4.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Flittie, Nickeus, Richardson, Smedley, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Wagner, Wells.

Absent and not voting:

Messrs. Austin, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Wagner moved

That the Council do now adjourn until 2 o'clock p. m. to-morrow.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

SIXTEENTH DAY.

BISMARCK, Wednesday, Jan. 28, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called,
Messrs. Austin, Duncan, Kennedy, LaMoure, Richardson,
Walsh were absent.

Messrs. Austin, Kennedy, Richardson and Walsh were excused.

Journal of yesterday was approved.

MESSAGE FROM THE HOUSE.

BISMARCK, January 28, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that on the 27th instant the House of Representatives did pass

House Bill No. 37. A bill for an act creating the county of Colton, defining its boundaries, and for other purposes, with an amendment substituting the word "Ward" wherever the word "Colton" appears in said bill.

Also,

House Bill No. 41. A bill for an act authorizing the board of county commissioners of Custer county to levy a ten mill tax for county general fund.

Also,

House Bill No. 57. A bill for a Joint Resolution to provide for the printing of 3,000 copies of the Governor's message in the Norwegian language.

Also,

House Bill No. 72. A bill for an act providing for the construction of a court house in Edmunds county.

Also,

Council Bill No. 1. A bill for an act authorizing the board of county commissioners of Grand Forks county, Dakota, to fund the outstanding indebtedness of said county.

Also,

Council Bill No. 8. A bill for an act to correct and define the boundary line between the counties of Grant and Roberts.

Also,

Council Bill No. 65. A bill for an act to change the name of the village of Ordway, in Brown county, Dak.

I also have the honor to announce to your honorable body that on the 26th instant, the House of Representatives did pass, under a suspension of the rules,

Council Bill No. 26. A bill for an act to define the boundary lines of McPherson and Edmunds counties.

All of which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very respectfully,

C. M. REED,

Chief Clerk House.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, Dak., Jan. 27, 1885.

To the President of the Council:

I have the honor to transmit herewith the Report of the tax commission, with accompanying bills and papers.

GILBERT A. PIERCE,

Governor.

Which were received, and

Referred to the committee on Revenue.

REPORT OF STANDING COMMITTEES.

Mr. Pettigrew, from the committee on Appropriations, submitted the following report:

MR. PRESIDENT:

Your committee on Appropriations, to whom

Council Bill No. 18

Was referred, report the same back by a substitute, and recommend that the substitute do pass.

Mr. Natwick moved

That the report be adopted.

Which motion prevailed.

Mr. Day, from the committee on Agriculture, made the following report:

MR. PRESIDENT:

Your committee on Agriculture beg leave to report back Council Bill No. 25

Without action, and recommend that it be referred to the committee on Railroads.

Which was adopted.

MOTIONS AND RESOLUTIONS.

BISMARCK, January 28, 1885.

Mr. Natwick moved

The adoption of the following resolution.

Which motion prevailed.

Resolved, That the committee on Public Printing be instructed to inquire into the printing of the bills for this Council, and report reasons for the delay and irregularity in such printing, and report to the Council with recommendation.

INTRODUCTION OF BILLS.

Mr. Twomey introduced—

Council Bill No. 103. A bill for an act to amend Secs. 2, 3 and 4, Chap. 41, Political Code.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 104. A bill for an act to amend Sec. 416 of the Code of Criminal Procedure of the Territory of Dakota.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 105. An act to fund the outstanding indebtedness of Lake county, Dakota.

Which was read the first time.

Mr. Nickens introduced—

Council Bill No. 106. A bill for an act providing for a special election in the county of McHenry.

Which was read the first time.

Also,

Council Bill No. 107. A bill for an act to provide for the taking of testimony by commission in justice court.

Which was read the first time.

SECOND READING OF BILLS.

Council Bill No. 49.

Read the second time.

Mr. Twomey requested that

It be referred to the committee on Education.

Mr. Gamble moved

That the bill be referred to the committee on Appropriations.

Which motion prevailed.

THIRD READING OF BILLS.

Council Bill No. 18, as amended by substitute entitled, A bill for an act providing for the erection and construction of a court house and jail for the county of Brookings, Dakota.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, Walsh.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 37, 41, 57 and 72

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 66

Read the second time and referred to the committee on City and Municipal Corporations.

House Bill No. 65

Read the second time and referred to the committee on Judiciary.

House Bill No. 33

Read the second time and referred to the committee on Counties.

Mr. Washabaugh moved

That 3 o'clock p. m. to-morrow be set for the special consideration of the Governor's message.

Which motion prevailed.

The President announced the following as additional members of Revenue committee:

Messrs. Pettigrew and Nickeus.

Mr. Twomey moved

That the Council do now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

SEVENTEENTH DAY.

BISMARCK, Thursday, Jan. 29, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the chaplain.

The roll being called, the following members were absent:

Messrs. Austin, Kennedy, LaMoure, Walsh.

Messrs. Austin, Kennedy and Walsh were excused.

Mr. Gamble moved

That Jud LaMoure be excused from to-day's attendance.

There being no objection, he was so excused.

REPORT OF STANDING COMMITTEE.

Mr. McLaughlin, from the committee on Revenue, made the following report:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 6

Have had the same under consideration, and report back
a substitute for the same, with the recommendation that it
do pass.

Mr. Richardson moved
That the report be adopted.
Which motion prevailed.

REPORT OF SELECT COMMITTEES.

MR PRESIDENT:

Your Joint Committee on Conference to confer with a
like committee from the House on the refusal of the House
to concur in the

Council amendment of

House Bill No. 10. A Memorial to Congress for the
division of the Territory,

Have had the matter under advisement with the House
Joint Committee, and beg leave to report that the commit-
tee have agreed that the House recede from its refusal to
concur in the Council amendment.

J. R. GAMBLE,
Chairman.

INTRODUCTION OF BILLS.

Mr. Westover introduced—

Council Bill No. 108. A bill for an act to amend Sec. 3
of the Political Code.

Which was read the first time.

Also,

Council Bill No. 109. A bill for an act to repeal Sec. 64
of the Civil Code and to authorize marriage in certain cases.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 110. A bill for an act entitled an act to
amend Art. 3, Chap. 2, Title 14 of the Civil Code relating to
mortgage of personal property.

Which was read the first time.

Mr. Huetson introduced—

Council Bill No. 111. A bill for an act to amend Sec. 5,
of Chap. 13, of the Laws of 1879 concerning the blind.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 112. A bill for an act to amend Sec. 9 Chap. 39 of the Political Code.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 113. A bill for an act establishing independent School District No. 2 in Lake and Moody counties.

Which was read the first time.

Mr. Wagner introduced—

Council Bill No. 114. A bill for an act to provide for the removal and location of the county seat of Bon Homme county.

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 115. A bill for an act providing for a Constitutional Convention and the formation of a State Constitution preparatory to the admission of Dakota into the Union, and for other purposes.

Which was read the first time.

Mr. Wells introduced—

Council Bill No. 116. A bill for an act to establish and provide for the maintenance of a general and uniform system of common schools, and to improve their usefulness.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 74

Read the second time and referred to the committee on Appropriations.

Council Bill No. 75

Read the second time and referred to the committee on Counties.

Council Bill No. 76

Read the second time and referred to the committee on Judiciary.

Council Bill No. 77

Read the second time and referred to the committee on Appropriations.

Council Bill No. 78

Read the second time and referred to the committee on Appropriations.

Council Bill No. 79

Read the second time and referred to the committee on Territorial Affairs.

Council Bill No. 80

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 81

Read the second time and referred to the committee on Judiciary.

Council Bill No. 82

Read the second time, and referred to the committee on Incorporation.

Council Bill No. 83

Read the second time and referred to the committee on Judiciary.

Council Bill No. 84

Read the second time and referred to the committee on Public Buildings.

Council Bill No. 85

Read the second time.

Mr. Day introduced the following:

Resolved, That Council Bill No. 85 be referred to the committee on Military Affairs, and that said committee be authorized and instructed to take proof and enquire into the sources of and responsibility for the late disturbance in Spink county, and that they report their doings and conclusions thereon to the Council,

And moved its adoption.

Which motion prevailed.

Council Bill No. 86

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 88

Read the second time, and referred to the committee on Appropriations.

Council Bill No. 89

Read the second time and referred to the committee on Counties.

Council Bill No. 90

Read the second time.

Mr. McLaughlin moved

That the rules be suspended, and that

Council Bill No. 90 be passed to its third reading.
Which motion prevailed.

THIRD READING OF BILLS.

Council Bill No. 90. A Joint Resolution authorizing the President of the Council and Speaker of the House of Representatives to appoint stenographers for their respective Houses.

Was read the third time.

Mr. McLaughlin moved as an amendment, that the word "six" be inserted in the blank space in the fifth line.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes, 21; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy and LaMoure.

Substitute for

Council Bill No. 6. A bill for an act to enable the school district of the counties of Barnes and Griggs to fund their indebtedness was read the third time.

Mr. Nickeus moved the adoption of the following amendment, viz:

Amend Sec. 4 to read as follows:

Such bonds shall be in denominations of fifty dollars, or any multiple thereof, and made payable with exchange at such place as may be designated upon the face thereof.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Huetsen, Jones, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Gamble, Kennedy, LaMoure, Natwick, Pettigrew, Washabaugh, Walsh.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House File No. 72

Read the second time and referred to the committee on Counties.

House File No. 30

Read the second time and referred to the committee on Agriculture.

House File No. 57

Read the second time and referred so the committee on Public Printing.

House File No. 41

Read the second time and referred to the committee on Counties.

House File No. 37,

Read second time and referred to the committee on Counties.

MESSAGE FROM THE HOUSE.

BISMARCK, January 29, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that the House of Representatives respectfully request the return of

Council Bill No. 65. A bill for an act to change the name of the village of Ordway, in Brown county, Dakota.

That on the 28th instant the House of Representatives did pass

Council Bill No. 36. A bill for an act to extend the time of payment of taxes levied in the year 1884, with an amendment striking out the words "Providing, however, that the provisions of this act shall not apply to the county of Lawrence."

Also,

Council Bill No. 72. A bill for a Joint Resolution and Memorial to Congress, praying for the passage of the bill pending to name Lieutenant A. W. Greely as Assistant Chief of the United States Signal Service, with an amendment striking out the words "search and relief," and inserting in lieu thereof "circumpolar," so that it shall read "late Commander of the Arctic Circumpolar Expedition."

Which said bills, with their amendments, are herewith

transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very Respectively,

C. M. REED,

Chief Clerk House.

THIRD READING OF HOUSE BILLS.

Mr. Smedley moved

That the rules be suspended and that
Council Bill No. 36

Be taken up and the House amendments considered.

Which motion prevailed.

Mr. Nickeus moved

That the Council do now concur in the amendments
offered by the House to

Council Bill No. 36.

Mr. Washabaugh moved

As an amendment, that we do not concur in the House
amendments.

The yeas and nays were called for on the amendment.

The roll being called, there were, ayes 11; nays 9.

Those who voted in the affirmative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetson,
Jones, McLaughlin, Natwick, Twomey, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Bowdle, Day, Flittie, Nickeus, Pettigrew, Rich-
ardson, Smedley, Wagner, Mr. President.

Absent and not voting:

Messrs. Kennedy, LaMoire, Walsh.

So the amendment was adopted.

Mr. Nickeus asked and was granted unanimous consent
to withdraw his motion.

Mr. Nickeus moved

That the Council refuse to concur in the amendments of
the House on

Council Bill No. 36,

And that a committee of three on conference, with a like
committee from the House, be appointed by the President,
said committee to report to-morrow.

Which motion prevailed.

The President announced the following as members of
said committee, viz:

Messrs. Nickeus, Washabaugh, Wells.

Mr. Washabaugh moved

That the consideration of the Governor's message be postponed until 3 o'clock Monday next.

Which motion prevailed.

The President announced the appointment, jointly with the Speaker of the House, of the following joint committee under the provisions of

House Bill No. 6.

Adopted by the Council January 26, 1885.

From the Council:

Messrs. Twomey, Washabaugh, Nickeus, Duncan, Gamble.

From the House:

Messrs. Pickler, Roach, Eldridge, Smith, Parshall, Barnes, Ruger.

Mr. Twomey asked and was granted unanimous consent to introduce

Council Bill No. 117

At this time..

Mr. Smedley moved

That the Council do now adjourn until 2 o'clock tomorrow.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

EIGHTEENTH DAY.

BISMARCK, Friday, January 30, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called,

Messrs. LaMoure and Richardson were absent.

Also, Messrs. Austin, Kennedy and Walsh, being excused.

REPORTS OF COMMITTEE.

Mr. Nickeus, from the committee on Conference, made

the following report on
Council Bill No. 36:

MR PRESIDENT:

Your committee of Conference on
Council Bill No. 36

Have had the same under consideration, with a committee of the House for a like purpose, and beg to report that
We recommend concurrence in the House amendment.

Mr. Twomey moved
That the report be adopted.

Which motion prevailed.

There being no objection, the bill was referred to En-
grossing Committee.

EXECUTIVE COMMUNICATIONS.

BISMARCK, January 29, 1885.

To the President of the Council:

I have the honor to inform the Council that I have ap-
proved

A Joint Resolution relating to the procuring of coal for
use in the capitol building, known as Council Bill No. 62.

Also,

Council Bill No. 12. Being an act relating to the World's
Industrial and Cotton Exposition.

GILBERT A. PIERCE,
Governor.

REPORTS OF STANDING COMMITTEES.

Mr. Gamble, from the committee on Judiciary, made the
following report:

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred
Council Bill No. 32,

Have had the same under consideration, and instruct me
to report the same back and
Recommend that the bill do pass.

Mr. Smedley moved
That the report be adopted.

Which motion prevailed.

Mr. Farmer, from the committee on Territorial Affairs,
made the following report:

MR. PRESIDENT:

Your committee on Territorial Affairs have had the following bills under consideration, and beg leave to report the same back to this house with the following recommendations, viz:

Council Bill No. 47.

That the words "one mill" be substituted for the words "one and one-half mills," as found in Sec. 3 of said bill.

And,

That said bill do pass as amended.

Also,

Council Bill No. 35,

Is herewith reported back to the Council with recommendation that it do not pass.

Also,

Council Bill No. 79,

Is herewith returned with recommendation that it do pass.

Mr. Pettigrew from the committee on Appropriations made the following report:

MR. PRESIDENT:

Your committee on Appropriations to whom was referred

Council Bill No. 50,

Report the same back with amendments and recommend its passage as amended.

Which report was adopted.

Also,

Council Bill No. 57,

We report the same back with the following amendments:

In line 4, of Sec. 2, strike out the word "seven" and insert "five," and in line 7, strike out "4" and insert "3;" strike out all of line 12, 13 and 14. Amend Sec. 9 by striking out first, second and third lines and insert the following in lieu thereof: "The Board of Directors shall elect a President of the School of Mines, who shall biennially on on before." Strike out Secs. 10, 11 and 12 and insert the following:

Sec. 10. Whenever any building is to be erected the Board of Directors shall have authority to procure all necessary plans and specifications for such building, and it

shall be their duty to advertise for proposals for the erection and completion of said building in such manner as they shall deem most advantageous, and shall let the contract for the erection of said building to the lowest responsible bidder, such contractor in every case to give adequate security for the faithful performance of his contract, and the said Board of Directors shall have authority to appoint a building superintendent, whose duty it shall be to superintend the construction of said building in compliance of the contract, and to perform such other duties as shall be prescribed by the said Board of Directors, and such building superintendent shall receive such compensation for the service as the Board of Directors shall determine, and such compensation shall be paid out of the building fund.

In Sec. 18 after the word year in the 15th line insert "at the Chemical National Bank in the city of New York."

Sec. 25. In the case of a division of Dakota Territory, that part of said Territory in which said School of Mines is located, after such division shall assume and pay all bonds and coupons existing at the time by reason of the erection of the building herein provided for.

Which was adopted.

Mr. Bowdle from the committee on Public Buildings made the following report:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 84,

Report the same back with the recommendation that it do pass.

INTRODUCTION OF BILLS.

Mr. Jones introduced—
Council Bill 118. A bill for an act to provide for changing the boundaries of counties.

Which was read the first time.

Mr. Westover introduced—
Council Bill No. 119. A bill for an act to amend Sec. 66, of Chap. 29, of the Political Code.

Which was read the first time.

Mr. Gamble introduced—
Council Bill No. 120. A bill for an act to provide for contesting elections for county officers and the location of county seats and other purposes.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 117. A bill for an act entitled an act to amend an act entitled an act providing a Board of Education for the city of Fargo.

Which was read the first time.

REPORT OF STANDING COMMITTEES.

Mr. Richardson, from the committee on Enrolled and En-grossed Bills, asked unanimous consent to make a report at this time.

There being no objection,
The report was received and read.

MR. PRESIDENT:

Your committee on Enrollment beg leave to report that they have examined

Council Bills Nos. 8 and 65,
And find them to be correctly enrolled.

Mr. Jones moved

That the Council do concur in the amendment of the House to

Council Bill No. 72.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 87

Read the second time and referred to the committee on Revenue.

Council Bill No. 91

Read the second time and referred to the committee on Counties.

Council Bill No. 93

Read the second time.

Mr. Natwick moved

To suspend the rules and pass

Council Bill No. 93

To its third reading.

Which motion prevailed.

Council Bill No. 95

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 96

Read the second time and referred to the committee on Counties.

Council Bill No. 97

Read the second time and referred to the committee on Counties.

Council Bill No. 98

Read the second time and referred to the committee on Counties.

Council Bill No. 99

Read the second time and referred to the committee on Counties.

Council Bill No. 100

Read the second time.

Mr. McLaughlin moved

To suspend the rules and pass

Council Bill No. 100

To its third reading.

Which motion prevailed.

Council Bill No. 102

Read the second time and referred to the committee on Immigration.

Council Bill No. 104

Read the second time and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 100. A Joint Resolution authorizing the President of the Council and Speaker of the House of Representatives to appoint an Assistant Enrolling and Engrossing Clerk, and an Assistant Clerk of the Council and House of Representatives.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Twomey, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, Pettigrew, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, Walsh.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, January 30, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that

House Bill No. 10. A bill for a Joint Resolution and Memorial to Congress for division of the Territory and admission of the southern half as a state,

Is herewith returned as requested.

Also,

That the House of Representatives, on the 20th instant, did pass

House Bill No. 38. A bill for an act to incorporate the village of Webster.

Also,

House Bill No. 40. A bill for an act concerning actions and proceedings originally brought in the Third Judicial District of Dakota Territory, in the counties or sub-divisions now included in the Sixth Judicial District of said Territory, and the jurisdiction thereof, since the creation of said Judicial District.

Also,

House Bill No. 49. A bill for an act to amend Chap. 34 of Session Laws of 1881.

Also,

House Bill No. 51. A bill for an act to amend Sec. 655 of Chap. 31 of the Code of Civil Procedure.

Also,

House Bill No. 52. A bill for an act to amend Sec. 42, Chap. 21 of the Political Code.

Also,

House Bill No. 61. A bill for an act fixing the per diem and mileage of the county commissioners of Custer and Pennington counties.

Also,

House Bill No. 100. A bill for an act appropriating funds for the payment of Assistant Clerks and Assistant Sergeant-at-Arms of the Legislative Assembly of Dakota.

All of which are herewith transmitted, and a concurrence

in the same by your honorable body is respectfully requested.

I have also to announce that on the 29th instant the House of Representatives did pass, under a suspension of the rules,

Council Bill No. 7. A bill for an act authorizing the commissioners of Grant county to fund the outstanding indebtedness thereof.

Also,

Council Bill No. 33. A bill for an act to change the name of the town of Elgin, in Cass county, to Ayr.

Also,

Council Bill No. 44. A bill for an act to authorize the county commissioners of McCook county to fund the outstanding indebtedness of said county, with an amendment to said bill by adding the words "and for other purposes" to the title thereof.

Also,

Council Bill No. 52. A bill for an act to amend an act entitled an act to incorporate the city of Valley City, Barnes county, Dakota, and legalizing the incorporation of the city and declaring its status.

Also,

Council Bill No. 63. A bill for a Joint Resolution providing for the printing of the report of the Regents of the Agricultural College of Brookings county, Dakota.

Also,

Council Bill No. 71. A bill for a Joint Resolution providing for certain public printing and making an appropriation to pay for the same.

All of which are herewith transmitted, and concurrence in the amendment to

Council Bill No. 44

Is respectfully requested.

C. M. REED,
Chief Clerk House.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 93. A Memorial to the Congress of the United States, praying for the granting of civil and criminal jurisdiction to the Probate Courts of the Territory of Dakota.

Was read the third time.

Mr. Gamble moved that the further consideration of Council Bill No. 93

Be passed, and that it be taken up under the consideration of general orders.

Which motion prevailed.

Council Bill No. 79: A bill for an act to amend Sec. 3 of Chap. 63 of Laws of 1883.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 6.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Farmer, Flittie, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Duncan, Gamble, Wagner, Washabaugh.

Absent and not voting:

Messrs. Austin, Jones, Kennedy, LaMoure, Walsh.

So the bill passed and its title was agreed to.

REPORT OF STANDING COMMITTEES.

Mr. Richardson, from the committee on Enrolled and Engrossed Bills, submitted the following report:

MR. PRESIDENT:

Your committee on Enrollment beg leave to report Council Bill No. 36,

As correctly enrolled.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 32. A bill for an act in relation to the bonds and coupons issued by the township of Elk Point, Union county, Dakota.

Read the third time and put upon its final passage.

The roll being called, there were ayes, 18; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Huetsen voting in the negative.

Absent and not voting:

Messrs Austin, Kennedy, LaMoure, McLaughlin, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 84. A Joint Resolution providing for the purchase of water for capitol building.

Read the third time and put upon its final passage.

The roll being called, there were ayes, 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Gamble, Kennedy, LaMoure, Natwick, Richardson, Washabaugh, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 95. A bill to change the name of the St. James Protestant Episcopal Church of Jamestown, Dakota.

Read the third time and put upon its final passage.

The roll being called, there were ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, McLaughlin, Richardson, Walsh.

So the bill passed and its title was agreed to.

Mr. Farmer moved that

Council Bills Nos. 47 and 35 be recommitted to committee on Territorial Affairs.

Which motion prevailed.

Council Bill No. 50. A bill for act to provide funds for the construction of a dormitory, and the completion of the buildings for the Dakota School of Deaf Mutes, and for other purposes.

Was read the third time.

Mr. Bowdle moved that further consideration of

Council Bill No. 50 be deferred to next Tuesday, at 2 o'clock p. m., and made the special order for that hour.

Yeas and nays called for.

The roll being called, there were, ayes 5; nays 15.

Those who voted in the affirmative were:

Messrs. Bowdle, Flittie, Huetson, McLaughlin, Wagner.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Jones, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, Walsh.

So the motion was lost.

Mr. Pettigrew moved that

Council Bill No. 50

Be recommitted to the committee on Appropriations.

Which motion prevailed.

Council Bill No. 57. A bill for an act to locate, establish and endow a School of Mines for the Territory of Dakota.

Read the third time.

Mr. Bowdle moved that

Council Bill No. 57 be recommitted.

Yeas and nays called for and

The roll being called, there were, ayes 3; nays 17.

Those who voted in the affirmative were:

Messrs. Bowdle, Flittie and McLaughlin.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, Walsh.

So the motion was lost.

Mr. Bowdle moved

That the rules be suspended and that the further reading of the bill be dispensed with and the bill put upon its final passage.

Which motion prevailed.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie,

Gamble, Huetsen, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, LaMoure, Walsh.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, January 30, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that on the 28th instant the House of Representatives did pass

House Bill No. 8. A bill for an act regulating the transportation of grain and other freights,

And a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk.

Mr. Twomey moved

That the Council do now adjourn until 2 o'clock tomorrow.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk House.

NINETEENTH DAY.

BISMARCK, Saturday, January 31, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Austin, Duncan, Farmer, Gamble, Kennedy, La-Moure, McLaughlin, Nickeus, Twomey, Walsh.

Messrs. Austin, Kennedy, LaMoure, Twomey and Walsh, were excused.

Mr. Pettigrew

Asked for unanimous consent to introduce a bill.

There being no objection, the bill was introduced.

Mr. Pettigrew moved

That the rules be suspended and that

Council Bill No. 121, just introduced,

Be given its first, second and third readings and put upon its final passage.

Which motion prevailed.

Council Bill No. 121. A bill for an act extending the time in which the taxes shall become delinquent for the year 1884.

Read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 11; nays 4.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Jones, Natwick, Pettigrew, Richardson, Smedley, Wagner, Wells.

Those who voted in the negative were:

Messrs. Gamble, Huetson, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoure, McLaughlin, Nickeus, Twomey, Walsh.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, January 30, 1885.

To the President of the Council:

I beg leave to call the attention of the Council to the following provisions of the Census Law of the United States, approved March 3, 1879, and to say that in view of the possible recognition of the claims of Dakota to admission into the Union, it may be deemed important that the population of the Territory be definitely ascertained and authoritively declared.

The section referred to is as follows, to-wit:

Sec. 22. That if any state or territory, through its duly appointed officers or agents, shall, during the two months beginning on the first Monday of June of the year which is the mean between the decennial censuses of the United States, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States, and shall deposit with the Secretary of the Interior, on or before the first of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior, that such schedules and reports have been duly deposited, pay, on the requisition of the Governor of such state or territory, out of any funds in the treasury not otherwise appropriated, a sum equal to fifty per centum of the amount which was paid to all supervisors and actual enumerators within such state or territory at the United States census next preceding, increased by one-half the percentage of gain in population in such state or territory between the two United States censuses next preceding.

Provided, That the blank schedules used for the purposes of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States."

GILBERT A. PIERCE,
Governor.

Mr. Gamble moved

That the communication from the governor just read be Referred to the committee on Territorial Affairs, and that they be instructed to prepare a bill to cover the points in the same.

Which motion prevailed.

A lengthy communication from the County Commissioners' Association of Dakota, making suggestions in regard to changing laws, was received, partly read, and on motion of Mr. Gamble was referred to the committee on Revenue.

REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the committee on Enrollment, submitted the following report:

BISMARCK, January 31. 1885.

MR. PRESIDENT:

Your committee on Enrollment beg leave to report that we did, on the 30th day of January, 1885, at 4:45 o'clock p. m.. present

Council Bills Nos. 8, 36 and 65,

To His Excellency the Governor for his signature and approval.

Also,

Your committee on Enrollment, to whom was referred Council Bill No. 71,

Beg leave to report the same back as correctly engrossed.

Also,

Your committee on Enrollment, to whom was referred Council Bill No. 57,

Beg leave to report the same back as correctly enrolled.

Mr. Flittie, from the committee on Immigration, made the following report:

MR. PRESIDENT:

Your committee on Immigration, to whom was referred Council Bill No. 102,

Respectfully beg leave to report that they have had the same under consideration, and recommend its passage, with the following amendments:

Insert a new section for Sec. 9, as follows:

Sec. 9. The commissioner shall be empowered to appoint an agent of foreign immigration, who shall have charge of

the commissioner's branch office in North Dakota. The said agent shall be entrusted, under the general authority of the commissioner, with the duty of receiving and caring for the immigration to the Territory of persons and families from foreign countries. He shall be selected with a view of his especial fitness for the duties of his position, and shall be required to have a knowledge of at least two (2) foreign languages, and he shall receive a salary of twelve hundred (\$1,200) dollars per annum, and in addition thereto mileage not to exceed five hundred dollars.

And re-number Secs. 9, 10, 11 and 12 in the original bill as Secs. 10, 11, 12 and 13.

Strike out all the words after the words "South Dakota." in the third line of Sec. 11 (new number) to the word "for." in the fourth line of said section.

Insert in the blank between the words "of" and "thousand," in the sixth line of Sec. 12 (new number) the word "four," and the same word in the like place in line eight of the same section.

Which report was adopted.

Mr. Nickeus asked unanimous consent to move that House Bill No. 100

Be taken up and given its first and second readings, and passed to its third reading.

Which motion prevailed.

Mr. Nickeus, at the request of Mr. Richardson, introduced the following resolution, viz:

Resolved, By the Council, the House of Representatives concurring, that having heard with deep regret the unwarranted action of certain residents of the county of Spink, by whom an overt insult has by them been attempted to publicly attack the good name, fame and integrity of honored and respected members of the two houses of this Legislature, namely: the Hon. J. P. Day of Spink county, member of the Council; the Hon. M. L. Miller of Beadle county, member of the House of Representatives, who in exercising their full rights, privileges and sworn official duties as members of this body, seem to have given offense to a few malcontents in the said county of Spink; therefore

Resolved, That the Legislative Assembly of Dakota hereby openly places its disapproval on the unlawful, disgraceful and unwarranted action of said citizens of Spink county

so offending against its honor, the dignity and the privileges of the members thereof; and further

Resolved, That this body hereby extends to the Hon. J. P. Day of the Council, and the Hon. M. L. Miller of the House of Representatives, its hearty and united support in their said action, who, "unawed by influence and unbribed by gain," have set their example as one to be followed and patronized by others; and

Resolved, That this body hereby express its approval of the judgment of the said members in so choosing between what to them appeared the right and the wrong, and that a copy of these resolutions, properly signed by the presiding officers of both branches of the Legislature, be presented to Messrs. Day and Miller.

Mr. Smedley moved
The adoption of the resolution.
Which was unanimously adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The House message in reference to
Council Bill No. 65. An act to change the name of Ordway, in Brown county, to Independence.

Was taken up and considered.

Mr. Nickeus moved
That the Chief Clerk be instructed to inform the House that

Council Bill No. 65
Is not in possession of the Council.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Richardson introduced—
Council Bill No. 122. A bill for an act to vacate certain portions of the townsite of Oriska.

Which was read the first time.

Also,

Council Bill No. 123. A bill for an act to empower and authorize the board of county commissioners of Barnes county to appoint an Auditor for said county.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 124. A bill for an act to provide for the

payment of extra expenditures, occasioned by the necessary changes in the plans and specifications in building the west wing of the Dakota Hospital for the Insane.

Which was read the first time.

Also,

Council Bill No. 125. A bill for an act to provide for insuring the Territorial Library, for the purchase of books therefor, for making a catalogue thereof, for the employment of Assistant Librarian for certain periods and to appropriate funds for certain purposes.

Which was read the first time.

Mr. Pettigrew moved
That the rules be suspended.

That the House amendment to
Council Bill No. 44

Be concurred in.

Which motion prevailed.

Mr. Pettigrew introduced—

Council Bill No. 126. A bill for an act to repeal Sec. 2 and amend Sec. 12 of Chap. 104 of the Session Laws of 1881.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 101.

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 103

Read the second time and referred to the committee on Territorial Affairs.

Council Bill No. 105

Read the second time and referred to the committee on Counties.

Council Bill No. 106

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 107

Read the second time and referred to the committee on Judiciary.

Council Bill No. 108

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 109

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 110

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 111

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 112

Read the second time and referred to the committee on Judiciary.

Council Bill No. 113

Read the second time, and referred to the committee on Education.

Council Bill No. 115

Read the second time, and referred to the committee on Counties.

Council Bill No. 115

Read the second time and referred to Joint committee of Twelve.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 102 as amended. A bill for an act creating the office of commissioner of immigration, and providing for the appointment of a commissioner of immigration for the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew Richardson, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoure, McLaughlin, Twomey, Walsh.

So the bill passed, and its title was agreed to.

Mr. Washabaugh asked unanimous consent to make a motion to

Suspend the rules and give

House File No. 110

Its first, second and third reading.

Which motion prevailed.

House File No. 110. A memorial protesting against the removal of the Deadwood land office.

Read the first, second and third times, and put upon its final passage.

The roll being called, there were, ayes 14; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Natwick, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Mr. President.

Mr. Wells voting in the negative.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, Lamoure, McLaughlin, Nickeus, Twomey, Walsh.

So the bill passed and its title was agreed to.

REPORT OF STANDING COMMITTEES.

Mr. Richardson, from the committee on Enrollment, submitted the following report:

BISMARCK, January 31, 1885.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment, to whom was referred

Council Bill No. 121,

Beg leave to report the same back as correctly enrolled.

Which report was adopted.

Mr. Pettigrew asked unanimous consent to make a report at this time.

There being no objection

The report was received.

MR. PRESIDENT:

Your committee on Appropriations, to whom was referred

Council Bill No. 56,

Have the same under consideration and report the same back with amendments and recommend its passage as amended.

Also,

Council Bills Nos. 39, 15, 70 and 50

By substitutes and recommend that the substitutes do pass.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 50. A bill for an act to provide funds for the construction of a dormitory, and the completion of the buildings for the Dakota school for deaf mutes and for other purposes.

Was read the third time.

Mr. Pettigrew moved

That the amendment, by way of substitute, be adopted.

Which motion prevailed.

The roll being called upon the passage of the bill as amended, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoure, McLaughlin, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Pettigrew, moved

That the vote by which the preceding bill was passed be reconsidered and the vote to reconsider be laid upon the table.

Which motion prevailed.

Council Bill No. 70. A bill for an act entitled an act to provide funds for finishing the main building of the University of Dakota, to erect an addition building for dormitories and other purposes.

Was read the third time.

Mr. Pettigrew moved

That the substitute for Council Bill No. 70 be adopted.

Which motion prevailed.

The roll being called on the passage of the bill as amended by the substitute, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson,

Jones, Natwick, Nickeus, Richardson, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy LaMoure, McLaughlin, Pettigrew, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Washabaugh moved

That the vote by which the preceding bill was passed be reconsidered, and the vote to reconsider be laid upon the table.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, January 31, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 121. A bill for an act extending the time in which the taxes shall become delinquent for the year 1884.

Also,

Council Bill No. 71. A bill for a Joint Resolution providing for certain public printing and making an appropriation to pay for the same.

GILBERT A. PIERCE,
Governor.

EXECUTIVE OFFICE, BISMARCK, January 31, 1885.

To the President of the Council:

The following telegram, received this day from the Director General of the World's Industrial and Cotton Exposition, is herewith transmitted for the information of the Council.

GILBERT A. PIERCE,
Governor.

"The board of management of the World's Exposition cordially invite you, your staff, and the members of your Legislature to visit the Exposition whenever you and they may deem fit, at which time the proper courtesies will be extended.

[Signed,]

Yours,

E. A. BURKE.

Which communication was referred to the committee on Territorial Affairs.

RESOLUTIONS AND MEMORIALS.

Mr. Pettigrew offered the following resolution and moved its adoption:

Resolved, That the Governor be requested to return to the Council, where it originated,
Council Bill No. 36. A bill for an act extending the time for the payment of taxes.

Which motion prevailed.

Mr. Pettigrew moved
That the vote by which
Council Bill No. 36
Was passed be reconsidered.

Which motion prevailed.

Also,
That the vote by which the Council concurred in the House amendments to
Council Bill No. 36
Be reconsidered.

Which motion prevailed.

Also,
That the Council do not concur in the House amendments to
Council Bill No. 36.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Substitute for Council Bill No. 39. A bill for an act to provide funds for completing the Agricultural College at Brookings, Dakota, and to repeal Sec. 2, Chap. 2, and Sec. 6 of Chap. 3 of the Session Laws of 1883.

Read the third time.

Mr. Pettigrew moved
To amend the original bill by adopting the substitute.

Which motion prevailed.

The roll being called on the final passage of the bill as amended, there were ayes, 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson,

Jones, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoire, McLaughlin, Nickeus, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved

To reconsider the vote by which the preceding bill was passed and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Flittie moved that

Council Bill No. 15

Be passed and made the special order for Tuesday next at 3 o'clock p. m.

Which motion prevailed.

Council Bill No. 56. A bill for an act to appropriate funds for the completion and maintenance of the Territorial Normal School at Madison, Dakota.

Was read the third time.

Mr. Pettigrew moved

That the substitute for

Council Bill No. 56 be adopted.

Which motion prevailed.

The roll being called on the passage of the bill as amended by the substitute, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoire, McLaughlin, Nickeus, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Jones moved

That the vote by which the preceding bill passed be reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

BISMARCK, January 31, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body

that on the 30th instant the House of Representatives did pass, under a suspension of the rules,

House Bill No. 107. A bill for an act providing a Clerk for the committee on Appropriations.

Also,

Council Bill No. 6. A bill for an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness.

Also,

House Bill No. 110. A bill for an act for a Memorial protesting against the removal of the Deadwood land office.

Also,

That the House did pass on to-day, under a suspension of the rules,

Council Bill No. 121. A bill for an act extending the time in which taxes shall become delinquent for the year 1884.

Which are herewith transmitted.

And a concurrence in the same by your honorable body is respectfully requested.

Very respectfully,

C. M. REED,
Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

Mr. Pettigrew, from the committee on Appropriations, made the following report, viz:

MR. PRESIDENT:

Your committee on Appropriations, to whom was referred

Council Bill No. 88,

Have had the same under consideration, and beg leave to report the same back with the following amendments and recommend the passage of the bill as amended:

Amend Sec. 4 by striking out the words "one copy to the Probate Judge of each county," where they occur in said section.

Amed Sec. 4 by adding at the end thereof the following:

"And all officers of the Territory when he receive such volume shall forthwith give his official receipt therefor on a form furnished by said librarian, and it is hereby made

the duty of such officer receiving said volume to forthwith deliver the same to his successor in office at the expiration of such term of office."

THIRD READING OF COUNCIL BILLS.

Council Bill No. 88. A bill for an act to authorize the purchase and distribution of two hundred and fifty copies of the third volume of Dakota Supreme Court Reports.

Was read the third time.

Mr. Pettigrew moved that Council Bill No. 88, as amended, be adopted.

Which motion prevailed.

The roll being called on the passage of the bill as amended there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Flittie, Gamble, Huetsen, Jones, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 51, 38, 49, 8, 61, 107, 52, 40.
Were read the first time.

THIRD READING OF HOUSE BILLS.

House Bill No. 100. A bill for act appropriating funds for the payment of assistant clerks and assistant sergeant-at-arms of the Legislative Assembly of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetsen, Jones, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

Mr. Smedley moved

That the Council do now adjourn until 2 o'clock Monday next.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

TWENTY-FIRST DAY.

BISMARCK, Monday, February 2, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Austin, Farmer, LaMoure, McLaughlin.

Mr. Pettigrew asked to have Mr. Farmer excused from attendance Saturday and to-day.

There being no objection, he was so excused.

Mr. Flittie moved

That the vote by which
Council Bill No. 15

Was made the special order for Tuesday next at 3 p. m. be reconsidered and the bill be put upon its third reading.

Which motion prevailed.

REPORT OF STANDING COMMITTEE.

Mr. Richardson, from the committee on Enrollment, asked unanimous consent to make a report this time.

There being no objection the report was submitted as follows:

MR. PRESIDENT:

Your committee on Enrollment beg leave to report that we did on the 31st day of January, 1885, at 4 o'clock p. m., present

Council Bill No. 121.

Also,

At 3:07 p. m. presented

Council Bill No. 71

To His Excellency the Governor, for his signature and approval.

Also,

Beg leave to report
Council Bills Nos. 88, 50, 108,
Back as correctly enrolled.

INTRODUCTION OF BILLS.

Mr. Smedley introduced—

Council Bill No. 127. A bill for an act to establish a reform school for boys and girls at Milbank, Dakota Territory, and for other purposes.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 128. A bill for an act establishing Independent School District No. 4, Lake county.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 129. A bill for an act to authorize School District No. 8, Cass county, Dakota, to issue bonds to build a school house.

Which was read the first time.

Mr. Flittie introduced—

Council Bill No. 130. A bill for an act dividing the county of Traill into county commissioners' districts.

Which was read the first time.

Also,

Council Bill No. 131. A bill for an act to fix the salary of Superintendent of Public Schools in and for Traill county, Dakota Territory.

Which was read the first time.

Also,

House Bill No. 132. A bill for an act authorizing the treasurer of Traill county to transfer certain funds into the county fund.

Which was read the first time.

Also,

Council Bill No. 133. A bill for an act establishing civil townships in Traill county, Dakota Territory.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 134. A bill for an act to provide for building a court house and jail in Hamlin county, and for other purposes.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 135. A bill for an act amendatory of an act to incorporate the city of Grand Forks, Dakota Territory.

Which was read the first time.

Also,

Council Bill No. 136. A bill for an act to authorize persons over whose lands railroads have been constructed, to maintain actions to recover the land taken for railroad purposes, or compensation for such taking.

Which was read the first time.

Also,

Council Bill No. 137. A bill for an act entitled an act to amend Sec. 57, Chap. 6, of the Code of Civil Procedure.

Which was read the first time.

Also,

Council Bill No. 128. A bill for an act entitled an act to authorize railroad companies or receivers thereof to determine the validity of proceedings appropriating lands for railroad purposes, and to make make compensation for such lands.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 139. An act establishing Independent School District No. 3, Lake county, Dakota.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 140. A bill for an act to provide for the organization of new counties,

Which was read the first time.

Mr. Walsh moved

That the rules be suspended and that

Council Bill No. 135

Be passed to its second reading.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 135.

Read the second time, and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 15. A bill for an act for the erection of additional building for the North Dakota hospital for the insane and other purposes.

Was read.

Mr. Pettigrew moved

That the bill be amended by the adoption of a substitute.

Which motion prevailed.

Mr. Pettigrew moved

That the bill be amended by inserting \$75,000 in place of \$99,000 wherever it occurs in said bill.

Which motion prevailed.

The bill was then read the third time as amended and put upon its final passage.

The roll being called, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetsen, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Farmer, LaMoure, McLaughlin.

So the bill passed and its title was agreed to.

Mr. Nickens moved

That the vote by which the bill passed be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

CONSIDERATION OF THE GOVERNOR'S MESSAGE.

The President called the attention of the Council to the fact that the hour for the special consideration of the Governor's message had arrived, and it was taken up and considered, and its several portions were referred to appropriate committees, as follows:

That portion relating to the reports of the Territorial Treasurer and Auditor,

Referred to the committee on Revenue.

That portion relating to public schools,

Referred to the committee on Education.

That portion relating to the University of Dakota,
Referred to the committee on Education.

That portion relating to the North Dakota University,
Referred to the committee on Education.

That portion relating to the Agricultural College,
Referred to the committee on Education.

That portion relating to the Normal Schools,
Referred to the committee on Education.

That portion relating to the Deaf and Dumb School,
Referred to the committee on Charitable and Penal In-
stitutions.

That portion relating to Territorial Penitentiaries,
Referred to the committee on Charitable and Penal In-
stitutions.

That portion relating to asylums,
Referred to the committee on Charitable and Penal In-
stitutions.

That portion relating to grain and warehouse commis-
sioners,
Referred to the committee on Grain, Grain Grading and
Dealing.

That portion relating to Territorial Boards,
Referred to the committee on Territorial Affairs.

That portion relating to the Territorial Library,
Referred to the committee on Judiciary.

That portion relating to public lands within railroad
limits,
Referred to the committee on Agriculture.

That portion relating to the examination of private
banks,
Referred to the committee on Banks and Banking.

That portion relating to the School of Mines,
Referred to the committee on Mines and Mining.

That portion relating to amending incorporation law,
Referred to the committee on Incorporation.

That portion relating to the amendment of insurance
laws,
Referred to the committee on Insurance.

That portion relating to the Capitol building,
Referred to the committee on Public Buildings.

That portion relating to pardons,

Referred to the committee on Charitable and Penal Institutions.

That portion relating to the New Orleans Exposition,
Referred to the committee on Territorial Affairs.

That portion relating to the grain and railway commission and agricultural and immigration agent,
Referred to the committee on Railroad Affairs.

That portion relating to organizing counties,
Referred to the committee on Counties.

That portion relating to the trouble in Spink county,
Referred to the committee on Military Affairs.

That portion relating to the Roberts county trouble,
Referred to the committee on Military Affairs.

That portion relating to the militia,
Referred to the committee on Military Affairs.

That portion relating to the question of admission and division,

Referred to special joint committee of 12 appointed under the provisions of
House File No. 26

That portion relating to the necessity for economy,
Referred to the committee on Appropriations.

MESSAGES FROM THE HOUSE.

BISMARCK, February 2, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that on January 31, 1885, the House of Representatives did pass

House Bill No. 54. A bill for an act legalizing the incorporation of the village of Valley Springs, and other acts.

Also,

That the House on the same day did pass and concur in Council Bill No. 18. A bill for an act providing for the erection and construction of a court house and jail for the county of Brookings, D. T.

Also,

Council Bill No. 54. A bill for an act to vacate certain portions of the townsite of Elk Point.

Also,

Council Bill No. 95. A bill for an act to change the

name of the St. James Protestant Episcopal Church of Jamestown.

All of which are herewith returned.

Very Respectfully,

C. M. REED,
Chief Clerk House.

FIRST READING OF HOUSE BILLS.

House Bill No. 54

Was read the first time.

SECOND READING OF HOUSE BILLS.

House File No. 51

Read the second time and referred to the committee on Judiciary.

House File No. 49

Read the second time and referred to the committee on Judiciary.

House Bill No. 8

Read the second time and referred to the committee on Railroads.

House Bill No. 61

Read the second time and referred to the committee on Counties.

House Bill No. 107

Read the second time and referred to the committee on Rules.

House Bill No. 52

Read the second time and referred to the committee on Counties.

House Bill No. 40

Read the second time and referred to the committee on Judiciary.

House Bill No. 38

Read the second time, and referred to the committee on Cities and Municipal Corporations.

CONSIDERATION OF GENERAL ORDERS.

Mr. Nickeus offered the following amendment to

Council Bill No. 93. Being a general Memorial to Congress, to be inserted after the words Territory of Dakota,

where these words occur in the second line from the last, viz:

“That the judges of such courts shall be persons learned in the law and holding a certificate of admission to the bar from the District or Supreme Courts of one of the States or Territories of the United States.”

Which amendment was adopted.

Council Bill No. 93. A Memorial to the Congress of the United States praying for the granting of civil and criminal jurisdiction to the Probate Courts of the Territory of Dakota.

The bill was then read the third time as amended and put upon its final passage.

The roll being called, there were ayes, 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Flittie, Gamble, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Farmer, Jones, LaMoure, McLaughlin, Richardson and Washabaugh.

So the bill passed and its title was agreed to.

The President at this time announced the following special committee, to which was referred

Council Bill No. 24. A bill for an act to relocate the Capital of Dakota, viz:

Messrs. Wells, Kennedy, Pettigrew, Walsh, Gamble.

RESOLUTIONS AND MEMORIALS.

Mr. Nickeus offered the following:

Resolved, That the sergeant-at-arms of the Council and his subordinate officers be and they are hereby directed to assist the Secretary of the Territory to unpack and arrange in orderr on the shelves provided for that purpose the Territorial Law Library, in order that it may be made available for the use of the Council, and that said Secretary be requested to arrange said books so that the Legislature can use them.

Mr. Nickeus moved

That the resolution be adopted.

Which motion prevailed.

Mr. Pettigrew moved

That the committee on Printing be instructed to inquire into the cause of delay on the part of the Public Printer in printing the bills for this Council, and that they make an early report, with recommendations.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Gamble, from the committee on Judiciary, asked unanimous consent to make a report at this time.

Which was granted.

The report was received and read, as follows:

MR. PRESIDENT:

Your committee on Judiciary to whom was referred Council Bill No. 135. An act amending the charter of Grand Forks.

Have had the same under advisement, and have instructed me to report the same back and recommend the passage of the bill.

Mr. Duncan asked to be excused for being absent from Saturday's session,

And he was so excused.

Mr. Walsh moved

To suspend the rules, and that
Council Bill No. 135

Be taken up and given its third reading and put upon its final passage.

Which motion prevailed.

Council Bill No. 135. A bill for an act amendatory of an act to incorporate the city of Grand Forks, Dakota Territory.

Mr. Gamble moved

To suspend the rules, and that the further reading of
Council Bill No. 135

Be dispensed with.

Which motion prevailed.

The question being on the passage of the bill, and

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:
Messrs. Austin, Duncan, Farmer, LaMoure, McLaughlin,
Richardson.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, Dak., February 2, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 8

Being an act to correct and define the boundary line between the counties of Grant and Roberts.

GILBERT A. PIERCE,
Governor.

Mr. Walsh presented the following communication:

BISMARCK, Dak., February 2, 1885.

To the Honorable President of the Council:

On behalf of the Regents of the University of North Dakota, and the citizens of the city of Grand Forks, Dakota, I hereby respectfully invite you, and through you the officers and members of the Council, to visit on next Saturday the said University of North Dakota and the city of Grand Forks.

Respectfully,
GEORGE H. WALSH.

Mr. Westover moved

That the Council do accept the invitation of George H. Walsh, in behalf of the citizens of Grand Forks, Dakota Territory.

Which motion prevailed.

Mr. Pettigrew moved

That 500 copies of
House File No. 10,

With the certificates of the officers, be printed.

Which motion prevailed.

Mr. Flittie moved

That the Council do now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

TWENTY-SECOND DAY.

BISMARCK, Tuesday, February 3, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, the following members were absent:

Messrs. Kennedy and LaMoure.

Mr. Walsh asked unanimous consent to introduce Council Bill No. 141

At this time, and moved

For the suspension of the rules.

Which was granted, and the bill was read the first time.

Mr. Nickeus moved that the rules be suspended and that

Council Bill No. 141

Be considered as read the first and second time, and passed to its third reading.

Which motion prevailed.

Council Bill No. 141. A bill for an act authorizing the board of county commissioners of Grand Forks county to offer a reward for the apprehension and conviction of a murderer.

Was read the first, second and third times, and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin,

Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr LaMoure being absent.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, Dak., Feb. 3, 1885.

To the President of the Council:

I have the honor to return herewith

Council Bill No. 65

Without my approval.

Many citizens of Ordway have remonstrated against a change of name without a submission of the question to the people. If the designation be altered it seems but just that the parties affected should be given the opportunity of selecting the new name under which the place shall be known.

GILBERT A. PIERCE,
Governor.

The President stated that the question before the Council was

Shall the bill, pass, the Governor's veto to the contrary notwithstanding?

The roll being called, there were, ayes 10; nays 13.

Those who voted in the affirmative were:

Messrs. Cameron, Duncan, Farmer, Flittie, Gamble, Jones, Natwick, Pettigrew, Washabauh, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Day, Huetson, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells, Walsh.

Mr. LaMoure being absent.

So the question was lost.

PETITIONS AND COMMUNICATIONS.

BISMARCK, February 3, 1885.

MR. PRESIDENT:

Referring to the recent resolution of your honorable body requesting that the books of the Territorial Library be at once placed upon the shelves prepared for them, I

beg to say that I have not put the books upon the shelves for the reason that I do not consider it safe to leave them in so public and exposed a place as that provided for the purpose. The risk of leaving them in the hall of a public building is increased by the fact that there is, so far as I am aware, no one at present authorized to assume control of the building and upon whom may properly be imposed the care of anything left in it. I was informed by the chairman of the capitol commission some weeks since that he had ordered from Chicago a woven wire screen or partition to divide the proposed library from the hall, the arrival of which has been daily expected for some time past. If, however, it is not deemed advisable to wait longer for this wire partition, it is entirely practicable to cut off the library from the hall by a partition of lattice work or pickets; and if the construction of such partition shall be authorized and provided for by the Legislature, it will be promptly erected and the library set up without delay.

Respectfully,

J. H. TELLER,
Secretary.

Mr. Walsh moved

That the communication be referred to the committee on Territorial Affairs.

Which motion prevailed.

The president submitted a petition in the case of Wilson vs. LaMoure.

Mr. Gamble moved

That the petition be laid upon the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

BISMARCK, February 3, 1885.

MR. PRESIDENT:

I have the honor to announce to your honorable body that on the 2 instant the House did pass

House File No. 48. A bill for an act appropriating funds for the Territorial Normal School at Spearfish, Dakota.

Also, did concur in

Council Bill No. 59. A bill for a Joint Resolution authorizing the printing of the biennial reports of the Territorial

Treasurer and Auditor, and making an appropriation to pay for the same.

Also,

Did concur in the resolutions relating to Spink county, etc.

All of which are herewith transmitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

Mr. Wagner, from the committee on Counties, made the following report:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 89,

Have had the same under consideration, and direct me to return the same to the Council, with the Recommendation that it do pass.

Also,

Council Bill No. 96.

Have had the same under consideration, and direct me to return the same to the Council, with the Recommendation that it do pass.

Also,

Council Bill No. 114.

Have had the same under advisement, and instruct me to report the same, with the

Recommendation that it pass, after making the following amendments: That the word "fifteen" in the third line of Sec. 3 be stricken out, and the word "thirty" be inserted in lieu thereof. That all that part of Sec. 3 commencing after the words "such election," in the ninth line, be stricken out. That after the word "conducted," in the first line of Sec. 4, the words "and the canvass of the votes made, and the result declared," be inserted.

Mr. Farmer, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:

Your committee have had
House Bill No. 39

Under advisement, and beg leave to report the same back

Without amendments or recommendations.

Mr. Richardson, from the committee on Enrollment, submitted the following report:

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred Council Bill No. 56,
Beg leave to report the same back as correctly engrossed.

Also,

Council Bills Nos. 1, 95, 44, 26, 72, 63, 33, 54 and 52.

And beg leave to report the same back as correctly enrolled.

Mr. Gamble, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 51,

Have had the same under consideration, and beg leave to report the same back with the following amendments, and

Recommend the passage of the bill as amended.

Strike out Sec. 1 of said bill and insert and make Secs. 2 and 3 read as Secs. 1 and 2, and insert the following as Sec. No. 3. Number the subsequent sections consecutively:

Sec. 3. There is hereby granted to the owners of any telegraph or telephone lines operated in this Territory, the right of way over lands and real property in this Territory, and the right to use public grounds, streets, alleys and highways in this Territory, subject to the control of the proper municipal authorities as to what grounds, streets, alleys or highways said lines shall run over or across, and the place the poles to support the wires are located. The right of way over lands and real property granted in this act may be acquired in the same manner and by like proceedings as provided for railroad corporations.

Mr. McLaughlin moved

That the report be adopted.

Which motion prevailed.

Mr. Farmer, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:

Your committee to whom was referred

✓ Council Bill No. 47

Beg leave to report the same back with the same amendment as made in the former report, and
Recommend that the bill pass as amended.

Mr. Wagner, from the committee on Counties, submitted the following report:

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 98,
Have considered the same and directed me to report the same back with sundry amendments, and with the
Recommendation that the bill pass as amended.

Mr. Gamble, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred House File No. 13,
Have had the same under consideration, and beg leave to report the same back
With the recommendation that it do pass.

Also,
Council Bill No. 104,
Have had the same under consideration and beg leave to Report the same back with the recommendation that it do pass.

REPORTS OF SELECT COMMITTEES.

BISMARCK, February 3, 1885.

MR. PRESIDENT:

Your Special Committee appointed under a Joint Resolution of the Legislative Assembly, to serve as a Joint Committee of Conference, authorized and empowered to proceed to the Capital of Minnesota and confer with a Joint Committee appointed for a similar purpose by the Senate and House of Representatives of the Legislature of Minnesota, there in session, upon the expediency of such legislation at this time as would tend to correct present abuses in the elevator system of handling grain and protect and promote the interests of the wheat raisers of Minnesota and Dakota, beg leave respectfully to report:

That upon the arrival of your Joint Committee at St.

Paul, they were met by a Committee of Reception, appointed by the Joint Committee of the Minnesota Legislature, and were shown every courtesy and attention during their stay which could add to their comfort and facilitate their labors. Your Joint Committee met the Joint Committee of the Legislature of Minnesota in conference, at different times during their stay in St. Paul, and the fullest discussion was had upon the objects of the joint conference. The terms of a bill which it was thought would meet the requirements of the case as presented before the Joint Committee of Conference, were practically agreed upon. The bill, which we have the honor to present herewith for the favorable consideration of this body, will correspond, as your committee are assured, in all material points with the draft of a bill which is to be presented in both Houses of the Legislature of Minnesota at an early date.

Very Respectfully,

V. P. KENNEDY,

Chairman.

GEORGE H. WALSH,

C. D. AUSTIN,

Council Committee.

W. F. STEELE,

Chairman.

E. HUNTINGTON,

JOHN HOBART,

J. W. SCOTT.

C. W. MORGAN,

House Committee.

Mr. Nickeus moved

That the report of the committee be accepted and the report laid on the table and the committee be discharged.

Which motion prevailed.

Mr. Nickeus moved

That the motion to lay the petition in the case of Wilson vs. LaMoure on the table be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

INTRODUCTION OF BILLS.

Mr. Kennedy introduced—

Council Bill No. 142. A bill for an act to amend Sec. 1 of Chap. 44 of the Special Laws of 1883.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 143. A bill for an act entitled an act to amend Sec. 343, Chap. 2 of Title 8 of the Code of Criminal Procedure.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 144. A bill for an act for the incorporation of the city of Scotland.

Which was read the first time.

Mr. Gamble moved

That the rules be suspended and that

Council Bill No. 144

Be passed to its second reading without printing.

Which motion prevailed.

Mr. Gamble introduced—

Council Bill No. 145. A bill for an act to amend Secs. 423 and 424 of the Code of Criminal Procedure of the Territory of Dakota.

Which was read the first time.

Mr. Austin introduced—

Council Bill No. 146. A bill for an act to amend Sec. 18, Chap. 39 of the Political Code.

Which was read the first time.

Also,

Council Bill No. 147. A bill for an act constituting Ransom and Sargent counties a judicial subdivision and for other purposes.

Which was read the first time.

Mr. Day introduced—

Council Bill No. 148. A bill for an act to provide for a board of county commissioners in counties where civil townships have been established.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 149. A bill for an act to amend the charter of the city of Grafton, Walsh county, Dakota, relative to condemnation of land for public purposes.

Which was read the first time.

Also,

Council Bill No. 150. A bill for an act to amend the charter of the city of Grafton, Walsh county, Dakota, relating to the granting of liquor licenses.

Which was read the first time.

Also,

Council Bill No. 151. A bill for an act establishing an independent school district for the city of Grafton, Walsh county, Dakota.

Mr. Flittie introduced—

Council Bill No. 152. A bill for an act to promote the planting of forest trees upon the prairies of the Territory of Dakota.

Which was read the first time.

Mr. Wells introduced—

Council Bill No. 153. A bill for an act to create and establish a board of health for the Territory of Dakota.

Which was read the first time.

MESSAGE FROM THE HOUSE.

BISMARCK, February 3, 1885.

MR. PRESIDENT:

I herewith return

Council Bill No. 141. A bill for an act entitled an act authorizing the board of county commissioners of Grand Forks county to offer a reward for the apprehension and conviction of a murderer.

In which the House has concurred.

Very Respectfully,

C. M. REED,
Chief Clerk House.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 117

Read the second time and referred to the committee on Education.

Council Bill No. 118

Read the second time and referred to the committee on Counties.

Council Bill No. 119

Read the second time and referred to the committee on Judiciary.

Council Bill No. 120

Read the second time and referred to the committee on Judiciary.

Council Bill No. 122

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 123

Read the second time and referred to the committee on Counties.

Council Bill No. 124

Read the second time and referred to the committee on Appropriations.

Council Bill No. 125

Read the second time and referred to the committee on Appropriations.

Council Bill No. 126

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 128

Read the second time and referred to the committee on Education.

Council Bill No. 130

Read the second time and referred to the committee on Counties.

Council Bill No. 131

Read the second time and referred to the committee on Education.

Council Bill No. 132

Read the second time and referred to the committee on Counties.

Council Bill No. 144

Read the second time and referred so the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 51. A bill for an act to repeal Chaps. S. 60 and 108 of the Laws of 1883, and for other purposes.

Was read the third time as amended, and put upon its final passage.

The roll being called, there were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer,

Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Walsh voting in the negative.

Absent and not voting:

Messrs. Day, LaMoure, Richardson.

So the bill passed and its title was agreed to.

Mr. Gamble moved

That the title of

Council Bill No. 51

Be amended by striking out the word "eight."

Which motion prevailed.

Council Bill No. 104. A bill for an act to amend Sec. 416 of the Code of Criminal Procedure of the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, LaMoure, Natwick, Richardson.

So the bill passed, and its title was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Richardson from the committee on Enrollment asked unanimous consent to make a report.

There being no objection it was received and read as follows:

MR. PRESIDENT:

Your committee on Enrollment to whom was referred Council Bill No. 141

Beg leave to report the same back as correctly enrolled.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 98. A bill for an act to define the boundaries of Wells county.

Was read the third time and put upon its final passage.

The roll being called, there were ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Flittie, LaMoure, Natwick, Richardson.

So the bill passed and its title was agreed to.

Council Bill No. 89. A bill for an act to authorize the county commissioners of Yankton county to remit certain taxes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Natwick, Richardson, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 47. An act to amend Chap. 1, Special Laws of 1883, entitled County Auditors.

Was read the third time.

Mr. Gamble moved that

Council Bill No. 47

Be referred to the appropriate committee, and that they be instructed to draw a substitute.

Which motion prevailed, and

The bill was referred to the committee on Judiciary.

Council Bill No. 96. A bill creating the county of Fancher, and defining its boundaries.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 10; nays 11.

Those who voted in the affirmative were:

Messrs. Austin, Day, Flittie, Kennedy, McLaughlin, Nickeus, Richardson, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetsen, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bowdle, Jones and LaMoure.

So the bill was lost.

Mr. Bowdle moved

That the report of the committee on

Council Bill No. 114

Be adopted.

Which motion prevailed.

The bill was then read the third time as amended.

Mr. Bowdle moved

That the word "may" be substituted for the word "shall" in Sec. 1.

Which motion prevailed.

Mr. Gamble moved

That it be amended by striking out of the report of the committee the words "and the result declared," and insert at the end of line 4 of Sec. 4 the following words:

"And the result of such election shall be declared as provided in Chap. 21 of the Political Code."

Which motion prevailed.

The roll being called on the final passage of the bill as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Smedley, Twomey, Wagner, Washabauh, Wells, Mr. President.

Absent and not voting:

Messrs. LaMoure, Pettigrew, Richardson, Walsh.

So the bill passed and its title was agreed to.

Mr. Smedley moved

That the Council do now adjourn until 2 o'clock tomorrow.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

TWENTY-THIRD DAY.

BISMARCK, Wednesday, February 4, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the chaplain.

The roll being called, the following members were absent:

Messrs. Gamble, LaMoure, Nickeus.

MESSAGES FROM THE HOUSE.

BISMARCK, February 4, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on the 3d instant the House of Representatives did pass House Bill No. 19. A bill for an act to amend Sec. 332 of the Code of Civil Procedure.

Also,

House Bill No. 82. A bill for an act to amend Sec. 53 of Chap. 44 of Laws of 1883, and to provide what fund money paid into the county treasury for license to sell intoxicating liquor, shall be applied.

Also,

House Bill No. 96. A bill for an act authorizing the county commissioners of Ramsey county to issue bonds for roads and bridges not to exceed \$5,000.

Also,

House Bill No. 120. A bill for an act to appropriate funds for the payment of all persons employed in and about Capitol building by authority of the Legislative Assembly.

Which are herewith transmitted, and a concurrence in

the same by your honorable body is respectfully requested.

I am also requested to announce that on the same day the House did concur in

Council Bill No. 28. A bill for an act to allow the school township of Ordway, in Brown county, to issue bonds to fund outstanding indebtedness.

Also,

Council Bill No. 30. A bill for an act creating the county of Garfield and defining the boundaries of Garfield and Spink counties, and locating the county seat of Spink county.

Both of which are herewith transmitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 3, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 141. A bill for an act authorizing the board of county commissioners of Grand Forks county to offer a reward for the apprehension and conviction of a murderer.

GILBERT A. PIERCE,
Governor.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred

Council Bill No. 76. A bill for an act to amend Sec. 101 of Chap. 9 of the Code of Civil Procedure, have had the same under advisement, and beg leave to report the same back with substitute, with the recommendation that the substitute do pass.

Also,

Council Bill No. 40. A bill for an act repealing Chaps. 61 and 62 of the Laws of 1883.

Have had the same under advisement, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 55. A bill for an act to legalize the acts of W. L. Wilder as notary public.

Have had the same under advisement, and beg leave to report the same back with the recommendation that it do not pass.

Also,

House Bill No. 16. A bill for an act to amend Sec. 339 of the Code of Civil Procedure.

Have had the same under advisement, and beg leave to report the same back with the recommendation that it do pass.

Also,

House File No. 49.

Have had the same under consideration, and beg leave to report back the following as a substitute for said bill:

A bill for an act to amend Chap. 34 of the Session Laws of 1881.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

Sec. 1. That Sec. 1 of Chap. 34 of the Session Laws of 1881, entitled "An act to amend Sec. 332 of the Code of Civil Procedure," be and the same is hereby amended by striking out all of the proviso in said Sec. 1.

Sec. 2. This act shall take effect and be in force from and after its passage and approval.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 113. A bill for an act establishing Independent School District No. 2 in Lake and Moody counties, Dakota.

Beg leave to report that they have had the same under consideration, and recommend that it do pass.

Also,

Council Bill No. 128. A bill for an act establishing Independent School District No. 4.

Beg leave to report that they have had the same under consideration and recommend that it do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions, to whom was referred

Council Bill No. 126,

Have considered the same and have directed me to report said bill back with recommendation that it pass.

JOHNSON NICKEUS,
Chairman.

MR. PRESIDENT:

Your committee on Counties, to whom was referred

House File No. 32,

Beg to report that they have carefully examined the same, with the recommendation that it pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred

House File No. 36. A bill for a Memorial to Congress for the passage of the Mexican War Pension bill.

Have had the same under consideration, and recommend its passage.

Also,

Council Bill No. 85. A bill for an act to appropriate funds for the payment of expenses of militia to Spink county, Dakota, December 12, 1884.

Report a substitute bill and recommend the passage of the substitute.

WM. DUNCAN,
Chairman, Committee on Military Affairs.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 12,

Beg leave to report that they have had the same under advisement, and recommend that said bill be amended by striking out the words "assessment legalized" where they occur in the first line of Sec. 1.

That Sec. 2 be amended by striking out the words "board of commissioners and legalize" in the first line thereof and further amend Sec. 2 by striking out the word "first" where it occurs in said section and insert in lieu thereof the word "second."

That Sec. 3 be stricken out.

With these amendments we recommend that the bill do pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred Council Bill No. 15,

Beg leave to report the same back as correctly engrossed.

Also,

Council Bills Nos. 10, 18, 59.

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

PETITIONS AND COMMUNICATIONS.

A petition in regard to the school township system
Was presented by Mr. Wagner, and the petition,
On motion of Mr. Smedley, was
Referred to the committee on Education.

INTRODUCTION OF BILLS.

Mr. Smedley introduced—

Council Bill No. 155. A bill for an act to incorporate the city of Kampeska, in Codington county.

Which was read the first time.

Mr. Austin introduced—

Council Bill No. 156. A bill for an act to revise and amend Art. 11 of the Civil Code.

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 157. A bill for an act entitled an act to amend Sec. 18 of Chap. 39 of the Political Code.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 158. A bill for an act to amend an act to incorporate the city of Sioux Falls.

Which was read the first time.

Mr. Smedley moved

That the rules be suspended, and that Council Bills Nos. 155, and 158,

Be passed to their second reading without being printed.

Which motion prevailed.

Mr. Walsh introduced—

Council Bill No. 159. A bill for an act entitled an act to amend Sec. 82 of Art. 7 of an act entitled an act to incorporate the city of Grand Forks, Dakota Territory.

Which was read the first time.

Also.

Council Bill No. 160. A bill for an act to amend Sec. 92 of the Justice Code, as amended by Chap. 31 of the Session Laws of 1883.

Which was read the first time.

Also.

Council Bill No. 161. A bill for an act entitled an act to amend Sec. 6 of Art. 2 of Chap. 1 of the Justice Code.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 162. A bill for an act to provide for funding the indebtedness of Potter county and for other purposes.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 163. A bill for an act to amend Sec. 599 of Chap. 28 of Dakota Code, in relation to foreclosure of mortgages.

Which was read the first time.

Mr. Gamble asked unanimous consent to make a report at this time on

Council Bill No. 53.

Which was granted, and

The report was received and read.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 127

Read the second time and referred to the committee on Appropriations.

Council Bill No. 129

Read the second time and referred to the committee on Education.

Council Bill No. 133

Read the second time and referred to the committee on Counties.

Council Bill No. 137

Read the second time and referred to the committee on Judiciary.

Council Bill No. 136

Read the second time and referred to the committee on Judiciary,

Council Bill No. 134

Read the second time and referred to the committee on Counties.

Council Bill No. 142

Read second time and referred to the committee on Agriculture.

Council Bill No. 143

Read the second time and referred to the committee on Judiciary.

Council Bill No. 146

Read the second time and referred to the committee on Judiciary.

Council Bill No. 147

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 138

Read the second time and referred to the committee on Judiciary.

Council Bill No. 153

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 158

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 155

Read the second time and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 76. A bill for an act to amend Sec. 101 of Chap. 9 of the Code of Civil Procedure.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 24; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

So the bill passed and its title was agreed to.

Council Bill No. 40. A bill for an act entitled an act repealing Chaps. 61 and 62 of the Laws of 1883, approved respectfully March 6, 1883, and February 27, 1883.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Richardson being absent.

So the bill passed and its title was agreed to.

Council Bill No. 113. A bill for an act establishing Independent School District No. 2 in Lake and Moody counties, Dakota.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Jones.

So the bill passed and its title was agreed to.

Council Bill No. 126. A bill for an act to repeal Sec. 2 and amend Sec. 12 of Chap. 104 of the Session Laws of 1881.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Jones.

So the bill passed and its title was agreed to.

Council Bill No. 55. A bill for an act entitled an act to legalize the acts of W. L. Wilder as notary public.

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Smedley moved

That the further consideration of the bill

Be indefinitely postponed.

Which motion prevailed.

Council Bill No. 117. A bill for an act entitled an act to amend an act providing a board of education for the city of Fargo.

Read the third time.

Mr. Twomey moved

That the rules be suspended, and that the further reading of said bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, McLaughlin and Wagner.

Absent and not voting:

Messrs. Flittie, Jones, LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 19. A bill for an act to provide for the incorporation and for the government and regulation of street railway companies now incorporated, or which may

hereafter be incorporated, in cities or boroughs in this Territory.

Read the third time.

Mr. Twomey moved

That the further consideration of
Council Bill No. 19

Be postponed until one week from to-day, and that it be made the special order for 3 o'clock of said day.

Which motion prevailed.

Substitute for Council Bill No. 85. A bill for an act to provide for the payment of the expenses of sending militia to Spink county, and to require the payment thereof by the city of Redfield.

Read the third time.

Mr. Bowdle moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetsen, Jones, Kennedy, LaMoure, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Flittie, McLaughlin, Natwick, Richardson, Walsh,

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

Mr. Gamble moved

That the rules be suspended and that
House File No. 12

Be taken up, given its third reading and put upon its final passage.

Which motion prevailed.

House Bill No. 12. A bill for an act to legalize the taxes of Hyde county and to authorize the commissioners to equalize.

Was read the third time.

Mr. Smedley moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoore, McLaughlin, Natwick, Richardson.

So the bill passed and its title was agreed to.

House Bills Nos. 82, 19, 96, 48,

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 54

Read the second time and referred to committee on Cities and Municipal Corporations.

THIRD READING OF HOUSE BILLS.

House Bill No. 32. A bill for an act to authorize the county commissioners of Day and Hyde counties to fund the outstanding indebtedness thereof.

Was read the third time.

Mr. Smedley moved

To refer the bill back to the committee on Counties.

Which motion prevailed.

House File No. 13. A bill for an act to amend Sec. 218 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoore, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan and Flittie.

So the bill passed and its title was agreed to.

House Bill No. 39. A bill for a Joint Resolution for the appointment of a committee.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15, nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetsen, McLaughlin, Natwick, Twomey, Washabaugh.

Absent and not voting:

Messrs. Flittie, Gamble and LaMoure.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved

To reconsider the vote by which

House Bill No. 39 was passed.

Which motion prevailed.

Mr. Pettigrew moved that

House Bill No. 39

Be indefinitely postponed.

Which motion prevailed.

House Bill No. 16. A bill for an act to amend Sec. 339 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 24; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 49. A bill for an act to amend Chap. 34 of Session Laws of 1881.

Was read the third time.

Mr. Gamble moved

That further consideration of

House Bill No. 49

Be postponed and taken up to-morrow under General Order.

Which motion prevailed.

Mr. Richardson, chairman of the committee on Enrollment, asked for unanimous consent to make a report at this time, and there being no objection,

The report was received and read as follows:

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred Council Bills Nos. 6, and 93, beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

House File No. 36. A Memorial to Congress for passage of the Mexican War Pension Bill.

Was taken up.

Mr. Pettigrew moved

That the further reading of House File No. 36 be dispensed with.

Which motion prevailed.

Mr. Nickeus moved

That the Council do now adjourn until to-morrow, at 2 o'clock p. m.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

TWENTY-FOURTH DAY.

BISMARCK, Thursday, February 5, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, all members were found present.

Mr. LaMoure moved

That the petition in the case of Wilson vs. LaMoure be taken from the table.

Which motion prevailed.

Mr. Jones moved

That the petition of Mr. Wilson in regard to the frauds committed at Park River precinct and the accompanying papers be filed by the clerk of the Council with the Secretary of the Territory and the District Attorney of the county where the alleged frauds are alleged to have been committed, be requested to investigate the matter and prosecute all parties guilty of such frauds, and that further consideration of the matter be indefinitely postponed.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 5, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved the

Joint Resolution and Memorial to Congress in relation to Lieutenant Greely known as

Council Bill No. 72,

Also,

Council Bill No. 52. A bill for an act amending the act incorporating the city of Valley City.

Also;

Council Bill No. 1. A bill for an act authorizing Grand Forks county to fund its indebtedness.

Also,

Council Bill No. 63. A bill for a Joint Resolution to provide for printing the report of the Regents of the Agricultural College.

Also,

Council Bill No. 95. A bill for an act to change the name of St. James Protestant Episcopal Church at Jamestown, Dakota.

GILBERT A. PIERCE,
Governor.

PETITIONS AND COMMUNICATIONS.

Mr. Farmer presented a petition from the citizens of Rolette county, asking for the power to hold a special election March 4 next.

Mr. Walsh moved

That the petition of the citizens of St. John, Rolette county, be referred to a special committee of three, with instructions to draft and present a bill in accordance with the wishes of said petitioners.

Mr. Nickeus moved

As an amendment, to include the county of McHenry, and that the Judiciary committee be instructed to report back

Council Bill No. 106,

Without recommendation, and

That the same be referred to said special committee.

Which amendment was adopted.

The President appointed as such committee, Messrs. Walsh, Farmer and LaMoure.

MESSAGES FROM THE HOUSE.

BISMARCK, February 5, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that, on the 4th instant, the House of Representatives did pass

House Bill No. 25. A bill for an act to change the boundary line of the county of Richland, and for other purposes,

Also,

House Bill No. 44. A bill for an act to amend Sec. 74, Chap. 59, of the Session Laws of 1879, relating to building of bridges.

Also,

House Bill No. 56. A bill for an act authorizing the county commissioners of Richland county to issue bonds for the purpose of paying certain indebtedness thereof.

Also,

House Bill No. 62. A bill for an act providing for the collection of family expenses and other debts.

Also,

House Bill No. 79. A bill for an act to amend Sec. 468 of the Code of Civil Procedure.

Also,

House Bill No. 91. A bill for an act to amend Chap. 22 of the Political Code.

Also,

House Bill No. 114. A bill for an act to amend section 13, Art. 2, of an act to amend the charter of the city of Yankton.

Also,

House Bill No. 116. A bill for an act to amend Sec. 5, of Chap. 33 of the Special Laws of 1883, relating to county commissioners.

Which are herewith transmitted,

And a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED.
Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations have had

Council Bill No. 158

Under consideration, and report the same back with the recommendation that it do pass.

JUDSON LAMOURE,

Chairman.

BISMARCK, Monday, February 5, 1885.

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred

Council Bill No. 51

Beg leave to report the same back as correctly enrolled.

Also,

Council Bill No. 7,

Beg leave to report the same back as correctly engrossed.

Also,

Beg leave to report that we have this 4th day of February, 1885, at 3:33 o'clock p. m., presented

Council Bills Nos. 26, 72, 63, 33, 54, 1, 95, 52 and 49,

To His Excellency, the Governor, for his signature and approval.

CHARLES RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Agriculture, to whom was referred
House Bill No. 30,

Have had the same under consideration, and direct me to return the same to the Council, with the

Recommendation that it do pass.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred
Council Bill No. 147,

Have had the same under advisement, and instructed me to

Recommend that said bill be amended by inserting after the word "proceedings," where it first occurs in Sec. 3, the words "in actions arising as properly belonging in said Ransom and Sargent counties."

With this amendment, we

Recommend that the bill do pass.

J. R. GAMBLE,
Chairman.

REPORTS OF STANDING COMMITTEES.

Mr. Pettigrew, chairman of the committee on Appropriations, made the following report:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 92

To locate the Central Dakota University, have had the same under consideration, and report the same back and recommend that the bill do not pass.

R. F. PETTIGREW,
Chairman.

The following minority report on
Council Bill No. 92
Was submitted:

The undersigned, a minority of your committee on Appropriations, having had the matter of the location of a Central Dakota University at the village of Ordway, in the county of Brown, under consideration, beg leave to dissent from the opinion of the majority of your committee for the following reasons:

The two literary institutions of the Territory are now located, one in the extreme north and the other in the extreme south, leaving a space of five hundred miles without the advantages and conveniences of any such institution.

We further think that in view of the fact that the central one-third part of the Territory has been, up to the present time, entirely ignored and left out in the cold, without the appropriation of a single dollar for any public institution, that this section is entitled to the location and appropriation asked. We ask it in Brown county, for the reason that it is one of the largest and wealthiest counties in the entire Territory, centrally located, and rates only the fourth in population and taxable wealth; that, only four years old, it has a population of over fifteen thousand souls, and an assessed valuation of over three millions of dollars; a better record than that of any other county in the Territory up to the present time.

In view of the above facts, that are incontrovertible, we ask this location and appropriation as a simple matter of justice.

The village of Ordway itself is not a city of magnificent proportions, but a village of modest mien, with as good and wholesome water as can be found, and by digging wells of only fifteen feet in depth. The Elm river, a magnificent little stream, bubbles through the suburbs of the town, affording all the advantages of soft, pure surface water.

The people of Ordway, although they may be few in

number. are a wide-awake, whole-souled people, and possess all the better elements of character that go to make up the perfect citizen.

The above are a few of the reasons upon which we modestly base our claims, and hope they may have sufficient cogency and force to induce you to grant our modest and reasonable request.

All of which is most respectfully submitted.

V. P. KENNEDY.

Messrs. Walsh and Nickeus being absent, but favoring minority report.

Mr. Kennedy moved

That the majority and minority reports on
Council Bill No. 92,

Together with the bill itself, be referred to the Committee of the Whole, and made the special order for to-morrow afternoon at 3 o'clock.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Walsh introduced—

Council Bill No. 164. A bill for an act entitled an act relating to the duties of railroad corporations in the receiving, transportation and delivery of grain.

Which was read the first time.

Also,

Council Bill No. 163. A bill for an act entitled an act to amend Sec. 656 of the Civil Code.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 166. A bill for an act to amend Sec. 9 of Chap. 39 of the Political Code in relation to fees of sheriffs.

Which was read the first time.

Mr. Farmer introduced—

Council Bill No. 167. A bill for an act to authorize the county commissioners of Miner county to fund the outstanding indebtedness of said county.

Which was read the first time.

Mr. Day introduced—

Council Bill No. 168. A bill for an act changing the incorporate limits of the city of Redfield.

Which was read the first time.

Mr. Bowdle introduced—

Council Bill No. 169. A bill for an act to provide for funds to erect and furnish a main building for juvenile offenders at Plankinton, Dakota.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 170. A bill for an act to regulate the equitable taxing of mortgaged real estate.

Which was read the first time.

Mr. Gamble asked and received unanimous consent to submit at this time the following resolution:

CONCURRENT RESOLUTION

Of the Council and House of Representatives of the Legislative Assembly of Dakota Territory;

WHEREAS, The division of Dakota, as a preparatory step toward the separate statehood of each section of the Territory, is recognized and proclaimed by the people of Dakota, as the vital principle at stake, involving the integrity, efficiency, and economy of the future state government of each Dakota, and

WHEREAS, The failure to secure such division of the Territory on or near the 46th parallel, previous to the admission of any state out of the present Territory of Dakota, would be a public calamity, the evil consequence of which would be visited alike and equally upon North and South Dakota;

WHEREAS, The people of Dakota are at this time petitioners to Congress for the speedy admission of the State of Dakota, to be composed of what is now known and described as South Dakota, and for the creation of a new Territory, to be composed of what is now known as North Dakota; and,

WHEREAS, The passage and approval of the bill, which has passed the United States Senate, and which is now pending in the House of Representatives of the United States, is deemed to be of the highest consequence and importance to the people of both sections of Dakota; therefore,

Be it Resolved, By the Council and House of Represen-

tatives of the Legislative Assembly of the Territory of Dakota;

That the people of Dakota are deeply conscious of the lasting obligations they are under to the Honorable chairman of the committee on Territories of the United States Senate, for his efforts in securing the passage by the United States Senate of the bill to enable South Dakota to enter the Union, and providing for the separate Territorial Government of North Dakota. That the Honorable Junior Senator from Indiana, by the invaluable services he has rendered the cherished common cause of the people of all Dakota, by the distinguished ability which has characterized his presentation of that cause on the floor of the United States Senate, and by the support and championship of those rights and principles which are believed not only to be at issue in the case of this territory, but to underlie the very foundation of popular liberty and local self-government itself, has endeared him to the people of Dakota for all time, and will ever be held in the highest esteem and most grateful remembrance as a powerful advocate and loyal friend.

Resolved, That two copies of this Concurrent Resolution signed by the President of the Council and the Speaker of the House of Representatives, and attested by their chief clerks, be forwarded and delivered respectively to the President of the United States Senate and to the Honorable Junior Senator from Indiana.

Mr. Gamble moved

That the resolution be adopted.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 116

Read the second time, and referred to the committee on Education.

Council Bill No. 139

Read the second time and referred to the committee on Education.

Council Bill No. 140

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 145

Read the second time, and referred to the committee on
Judiciary.

Council Bill No. 148

Read the second time, and referred to the committee on
Counties.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 128. A bill for an act establishing Inde-
 pendent School District No. 4, Lake county.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
 Huetson, Jones, Pettigrew, Smedley, Twomey, Wagner,
 Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, Kennedy, LaMoure, McLaughlin,
 Natwick, Nickeus, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 158. A bill for an act to amend an act
 to incorporate the city of Sioux Falls.

Read the third time.

Mr. Bowdle moved

That the rules be suspended, and that the further reading
 of

Council Bill No. 158

Be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill,
 there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
 Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew,
 Smedley, Twomey, Wagner, Mr. President.

Absent and not voting:

Messrs. Flittie, Kennedy, LaMoure, McLaughlin, Richard-
 son, Washabaugh, Wells, Walsh.

So the bill passed, and its title was agreed to.

Council Bill No. 147. A bill for an act constituting Ran-
 som and Sargent counties a judicial subdivision, and for
 other purposes.

Read the third time.

Mr. Bowdle moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Nickeus, Richardson, Wash-
abaugh.

So the bill passed and its title was agreed to.

Mr. Pettigrew asked unanimous consent to introduce
Council Bill No. 171

At this time.

There being no objection, it was received.

FIRST READING OF HOUSE BILLS.

House Bill No. 120

Was read the first time.

Mr. Walsh moved that the rules be suspended, and that
House Bill No. 120

Be passed to its second reading.

Which motion prevailed.

Mr. Walsh moved

That all House Bills on the table for the first reading be
passed so their second reading and reference.

Which motion prevailed.

House Bills Nos. 25, 44, 56, 62

Were read the first time.

House Bill No. 120

Read the second time.

Mr. Walsh moved

That the rules be suspended, and that

House Bill No. 120 be passed to its third reading and
put upon its final passage.

Which motion prevailed.

House Bill No. 120. A bill for an act to appropriate funds for the payment of all persons employed in and about the Capitol building by authority of the Legislature.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, LaMoure, Nickeus, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 19

Read the second time and referred to the committee on Judiciary.

House Bill No. 48

Read the second time and referred to the committee on Appropriations.

House Bill No. 82

Read the second time and referred to the committee on Counties.

House Bill No. 96

Read the second time and referred to the committee on Highways and Bridges.

House Bill No. 56

Read the second time and referred to the committee on Counties.

House Bill No. 44

Read the second time, and referred to the committee on Highways, Bridges and Ferries.

House Bill No. 25

Read the second time and referred to the committee on Counties.

House Bill No. 62

Read the second time and referred to the committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 30. A bill for an act to amend Sec. 1

of Chap. 85 of the Session Laws of 1883, concerning live stock.

Was read the third time.

Mr. Gamble moved

That this bill be recommitted to committee on Agriculture, with instructions to so draft an amendment that the lien attaches at the time of filing the notice.

Which motion prevailed.

CONSIDERATION OF GENERAL ORDERS.

House Bill No. 49. A bill for an act to amend Chap. 34 of Session Laws of 1881.

Mr. Gamble moved that

House Bill No. 49

Be laid upon the table.

Which motion prevailed.

UNFINISHED BUSINESS.

House File No. 36

Was taken up.

Mr. Gamble moved

To amend by striking out the word "capital."

Ayes and nays called for.

The roll being called, there were, ayes 8; nays 12.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Duncan, Gamble, Jones, McLaughlin, Natwick, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Day, Farmer, Flittie, Huetson, Kennedy, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells.

Absent and not voting:

Messrs. LaMoure, Pettigrew, Washabaugh, Walsh.

So the amendment was lost.

The roll being called upon the final passage of the bill, there were, ayes 16; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Huetson, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Gamble, Jones, Natwick.

Absent and not voting:

Messrs. LaMoure, Pettigrew, Washabaugh, Walsh.

So the Joint Memorial passed and its title agreed to.

Mr. Natwick moved

That the Council do now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

TWENTY-FIFTH DAY.

BISMARCK, Friday, February 6, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll was called, and Mr. LaMoure was absent.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 6, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 33. A bill for an act to change the name of Elgin to Ayr.

Also,

Council Bill No. 54. A bill for an act to vacate certain portions of the townsite of Elk Point.

Also,

Council Bill No. 59. A bill for a Joint Resolution authorizing the printing of the reports of the Territorial Treasurer and Auditor.

Also,

Council Bill No. 49. A bill for an act to authorize the

county commissioners of McCook county to fund outstanding indebtedness.

Also,

Council Bill No. 10. A bill for a Joint Resolution and Memorial to Congress relating to the reduction of the price of public lands within the railway grants.

Also,

Council Bill No. 93. A bill for a Memorial to Congress for the granting of civil and criminal jurisdiction to the Probate courts of Dakota.

Also,

Council Bill No. 26. A bill for an act to define the boundary lines of McPherson and Edmunds counties.

GILBERT A. PIERCE,
Governor.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 66,

Have had the same under consideration, have amended the same, and would most

Respectfully ask for its passage as amended.

WM. DUNCAN,

Chairman Committee on Military Affairs.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 97,

Have had the same under consideration, and submit herewith a substitute bill, and

Recommend that the substitute bill do pass.

Also,

Council Bill No. 91,

Have had the same under consideration, and have made the following amendments, and

Recommend that the bill do pass as amended:

In Sec. 1 the word "seven" is substituted for the word "eight," wherever it occurs in said section.

Sec. 2 is amended by substituting the word "ninety-five" wherever the word "ninety" occurs, and by inserting in said Sec. 2 the words "and to the highest bidder."

B. R. WAGNER,

Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions to whom was referred Council Bill No. 11

Have considered the same and have directed me to report back the following substitute for said bill with the Recommendation that the bill pass.

JOHNSON NICKEUS,
Chairman.

Mr. Pettigrew offered the following resolution, viz.:

WHEREAS, It having come to the knowledge of members of this body that certain members of this Legislature have been approached by certain persons with threats and promises, for the purpose of influencing the official action of said members, in violation of the Penal Codes of this Territory,

Therefore be it resolved, That a joint committee of five members, three of the House and two of the Council, be appointed to consider complaints of attempts at bribery, and report what action is necessary to bring this class of offenders to justice.

Mr. Pettigrew moved
The adoption of the resolution,
Which motion prevailed.

SPECIAL CONSIDERATION OF BILLS.

The President called the attention of the Council to the fact that the hour for the special consideration of Council Bill No. 92, Had arrived.

Mr. McLaughlin moved
That the special consideration of
Council Bill No. 92
Be put over to one week from Monday next.

The ayes and nays were demanded,
And the roll being called, there were, ayes 15; nays 9.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetsou, Jones, Natwick, Pettigrew and Wells.

So the motion prevailed.

INTRODUCTION OF BILLS.

Mr. Pettigrew introduced—

Council Bill No. 171. A bill for an act to amend Sec. 2,115 of part 5 of division 4 of the Civil Code.

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 172. A bill for an act for the division of the county of Morton and the formation of the county of Caxton therefrom, for the relief of certain specified indebtedness contracted and contemplated by Morton county, and the location temporarily of the county seat of the proposed county.

Which was read the first time.

Mr. Bowdle introduced—

Council Bill No. 173. A bill for an act to vacate Ham-mer's second addition to City of Mitchell.

Which was read the first time.

MESSAGE FROM THE HOUSE.

BISMARCK, February 6, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on the 5th instant the House of Representatives did pass

House Bill No. 45. A bill for an act to amend Sec. 47, of Chap. 27, of the Political Code, entitled "Elections."

Also,

House Bill No. 84. A bill for an act to vacate the town-site of Belmont, Traill county, Dakota.

Also,

House Bill No. 89. A bill for an act to amend Sec. 1, of Chap. 62, of the Special Laws of 1881.

Which are herewith transmitted.

And a concurrence in the same by your honorable body is respectfully requested.

I am also requested to announce that on the same day the House of Representatives did concur in

Council Bill No. 84. A bill for a Joint Resolution pro-

viding for the purchase of water for the Capitol building.
Which is herewith transmitted.

Very Respectfully,
C. M. REED,
Chief Clerk House.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 150

Read the second time and referred to the committee on
Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 99. A bill for an act providing for the
issue of bonds for the erection of court house and jail for
the county of Wells, and other purposes.

Read the third time and put upon its final passage.

Mr. Bowdle moved

That the rules be suspended and that the further reading
of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
Flittie, Gamble, Huetson, Jones, McLaughlin, Natwick,
Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wag-
ner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Kennedy and LaMoure.

So the bill passed and its title was agreed to.

Substitute for Council Bill No. 97. A bill for an act to
repeal Chap. 37 of Session Laws of 1881, relating to pay of
county commissioners of Stutsman county,

Was taken up.

Mr. Jones moved

That the report of the committee be adopted.

Which motion prevailed.

The bill was read the third time and put upon its final
passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie,

Gamble, Huetsen, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Kennedy, LaMoure, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 91. A bill for an act authorizing the county of Foster to issue bonds for the building of a court house, and for other purposes,

Was taken up.

Mr. Nickeus moved

That the report of the committee be adopted.

Which motion prevailed.

The President ordered

If there was no objection, the further readding of the bill be dispensed with.

The bill was then read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabauh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure and Wagner.

So the bill passed and its title was agreed to.

Substitute for Council Bill No. 11. A bill for an act establishing the North Dakota Hospital for the Insane and providing for the government of the Dakota Hospital for the Insane,

Was taken up.

On motion of Mr. Flittie,

The substitute bill was adopted.

Mr. Pettigrew moved

That the rules be suspended, and the further reading of the bill be dispensed with,

Which motion prevailed.

The bill as read was then put upon its final passage.

The roll being called, there were, ayes 19; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle and Duncan.

Absent and not voting:

Messrs. Natwick, Twomey, Wagner.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, February 6, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on to-day the House of Representatives did pass

House Bill No. 20. A bill for an act appropriating funds for the construction of a Normal School building at Springfield, Bon Homme county, Dokota, and for other purposes.

Also,

House Bill No. 88. A bill for an act relating to proofs of the existence of corporations in civil actions.

Also,

House Bill No. 106. A bill for an act providing for a special election in the county of McHenry.

Also,

House Bill No. 109. A bill for an act to establish a portion of the school township of Denver, in Kingsbury county; also a portion of the school townships of Winsor and Bangor, in Brookings county, as an Independent School District, to be designated as Independent School District No. 1, of Kingsbury county, Dakota Territory.

Also,

House Bill No. 127. A bill for an act establishing a winter road in the counties of Grand Forks and Walsh.

All of which are herewith transmitted.

And a concurrence in the same by your honorable body is respectfully requested.

Very respectfully,

C. M. REED,

Chief Clerk House.

Council Bill No. 66. A bill for an act to amend Chap. 30 of the Political Code, revised 1877, of the Territory of Dakota, and making an annual appropriation to provide for the maintenance of the militia.

Mr. Smedley moved

That the amendments recommended by the committee be adopted.

Which motion prevailed.

Read the third time and put upon its final passage,

Mr. Smedley moved

That the bill be recommitted.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

BISMARCK, February 6, 1885.

MR. PRESIDENT:

I am requested to announce that on to-day the House of Representatives did pass

House Bill No. 93. A bill for an act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs and providing for reports of the same.

Also,

Council Bill No. 100. A bill for a Joint Resolution authorizing the President of the Council and Speaker of the House of Representatives to appoint an assistant enrolling and engrossing clerk and assistant clerks of the Council and House of Representatives, to which the House made amendments.

Said bills are herewith transmitted and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

The President announced

That Mr. Jones was appointed to preside to-morrow during his absence.

On motion of Mr. Walsh

The Council adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,
Chief Clerk.

TWENTY-SIXTH DAY.

BISMARCK, Saturday, February 7, 1885.

The Council met pursuant to adjournment.

The President being absent,

The Council was called to order by Mr. Smedley.

The roll being called, the following members were absent:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Cameron was excused.

Mr. Natwick moved

That the Council do now adjourn until Monday, February 9, 1885, at 2 o'clock p. m.

Which motion prevailed.

D. S. WALDO,
Clerk pro tem.

TWENTY-EIGHTH DAY.

BISMARCK, Monday, February 9, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called the following members were found absent, to-wit:

Messrs. Gamble, Jones. McLaughlin, Washabaugh and Wells.

Messrs. McLaughlin, Jones, Washabaugh and Wells were excused.

Mr. Gamble reported present subsequent to roll-call.

All members who were absent on Saturday were excused.

PETITIONS AND COMMUNICATIONS.

A petition of citizens with reference to sale of liquors, from Grand Forks and Traill counties, was read and

Referred to the committee on Charitable and Penal Institutions.

The petition of citizens of McCook and Minnehaha, in relation to

Council Bill No. 45

Was partly read, and on motion of Mr. Nickeus

Was rejected.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 9, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved of

Council Bill No. 7. A bill for an act to authorize the commissioners of Grant county to fund the outstanding indebtedness thereof.

Also,

Council Bill No. 18. A bill for an act providing for the erection and construction of a court house and jail for the county of Brookings, Dakota Territory.

GILBERT A. PIERCE,

Governor.

Per O. H. HOLT,

Private Secretary.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 134. An act to provide for building a court house and jail in Hamlin county, and for other purposes,

Have had the same under consideration and report same back with the recommendation that the bill do pass.

Also,

Council Bill No. 148.

Report the same back with an amendment, and recommend that the bill do pass as amended.

Also,

Council Bill No. 105.

Have had the same under consideration, and after examining the same have instructed me to return the same with the following amendment, by striking out the words "one thousand" and inserting "five hundred," and recommend that the bill as amended to pass.

B. R. WAGNER,

Chairman.

MR. PRESIDENT:

Your committee upon Public Health having had under consideration the

Various bills introduced in the Council for the establishment of a board of health, and the regulating of the practice of medicine and surgery in the Territory of Dakota.

Beg leave to report a substitute and recommend that it do pass.

All of which is respectfully submitted.

V. P. KENNEDY,

Chairman.

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred Council Bills Nos. 28, 30 and 84,

Beg leave to report the same back as correctly enrolled.

CHARLES RICHARDSON,

Chairman.

INTRODUCTION OF BILLS.

Mr. Westover introduced—

Council Bill No. 174. A bill for an act to provide for funding the indebtedness of Hughes county, Dakota.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 175. A bill for an act to vacate the town of Denton, Sanborn county, Dakota.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 176. A bill for an act to reimburse Brown county, Dakota, for money paid out for the taking care of certain paupers named in unorganized territory.

Which was read the first time.

Mr. Duncan introduced—

Council Bill No. 177. A bill for an act to amend Sec. 2 of Chap. 26 of the Session Laws of 1879, entitled an act to regulate the sale of intoxicating liquors.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 178. A bill for an act to amend Sec. 553 of the Code of Criminal Procedure of the Territory of Dakota.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 179. A bill for an act to amend Sec. 4 of Chap. 3 of the Political Code as amended by Chap. 37 of the Laws of 1879.

Which was read the first time.

Also,

Council Bill No. 180. A bill for an act to establish the Independent School District of Brandon, in Minnehaha county, Dakota.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 123

Read the second time and recommitted to the committee on Counties.

Council Bill No. 149

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 151

Read the second time and referred to the committee on Education.

Council Bill No. 152

Read the second time and referred to the committee on Agriculture.

Council Bill No. 154

Read the second time and referred to the committee on Education.

Council Bill No. 156

Read the second time and referred to the committee on Insurance.

Council Bill No. 157

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 159

Read the second time and referred so the committee on Cities and Municipal Corporations.

Council Bill No. 161.

Read the second time and referred to the committee on Judiciary.

Council Bill No. 163

Read the second time, and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 105. An act to fund the outstanding indebtedness of Lake county, Dakota.

Was read the third time.

Mr. Bowdle moved

That the report of the committee on the bill be adopted.

Which motion prevailed.

Mr. Nickeus moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called on the passage of the bill, there were ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoure, McLaughlin, Washabaugh, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 148. A bill for an act to provide for a board of county commissioners in counties where civil townships have been established

Was read the third time.

Mr. Walsh moved

To amend as follows :

Provided : "That the provisions of this act shall not apply to the county of Grand Forks."

Mr. Nickens moved

To strike out the word "ten" and figure "10" in Sec. 3, page 2, printed bill, and that the figure and word "five" be inserted in lieu thereof.

Which motion prevailed.

On motion of Mr. Gamble

The bill was laid on the table.

Council Bill No. 134. A bill for an act to provide for building a court house and jail in Hamlin county, and other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, LaMoure, Natwick, Nickeus, Smedley, Twomey, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, McLaughlin, Pettigrew, Richardson, Washabaugh and Wells.

So the bill passed and its title was agreed to.

Substitute for Council Bill No. 45. Providing for a board of health.

Read the first and second time, and referred to the committee on Judiciary.

Mr. LaMoure moved that

That the Council do now adjourn until to-morrow, at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

TWENTY-NINTH DAY.

BISMARCK, Tuesday, February 10, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, all members were found to be present.

The Journals of all previous days as corrected were approved.

PETITIONS AND COMMUNICATIONS.

The President presented a communication from the Farmers' Alliance in reference to freight rates, etc.

Which was referred to the committee on Railroads.

REPORTS OF STANDING COMMITTEES.

MR PRESIDENT:

Your committee to whom was referred Council Bill No. 73, introduced by Mr. Smedley, and House Bill No. 8, introduced by Mr. Oliver, Have had the same under consideration.

Also,

Substitute for Council Bill No. 73, and

Beg leave to report that in their opinion the desirable provisions of the Oliver bill known as

House File No. 8, and

Council Bill No. 73, as well as

Council Bill No. 25, introduced by Mr. Jones,

Are all contained in the substitute recommitted to your committee herewith presented, and we recommend that it do pass with this amendment:

In Sec. 10, line 3, by inserting after the word "public," the words "or private."

A. B. SMEDLEY,
Chairman Committee on Railroads.

Mr. Smedley moved

That the report of the committee be adopted and the substitute bill as reported be made the special order for next Thursday at 3 o'clock p. m.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

House File No. 38,

Have had the same under consideration and have instructed me to recommend that the bill do pass.

Also,

House File No. 54,

Have had the same under advisement, and recommend that the bill do pass.

Also,

Council Bill No. 144

Has been considered by your committee and have instructed me to recommend that the bill do pass.

JUD. LAMOURE,
Chairman.

INTRODUCTION OF BILLS.

Mr. Walsh introduced—

Council Bill No. 181. A bill for an act entitled an act to allow the board of supervisors of townships to issue bonds.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 182. A bill for an act to amend Sec. 65 of the Justice Code of the Territory of Dakota.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 183. A bill for an act to repeal Sec. 4, Chap. 99 of the Session Laws of 1881, and for other purposes.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 184. A bill for a memorial to Congress for an appropriation to improve the navigation of the James River from Columbia, Brown county, to LaMoure, LaMoure county.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 185. A bill for an act to incorporate the city of Madison, Dakota Territory.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Gamble moved

That the amendments made by the House of Representatives to

Council Bill No. 100 be concurred in.

Which motion prevailed.

Mr. Cameron moved

That the rules be suspended and that Council Bill No. 185

Be passed to its second reading without printing.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 160

Read the second time and referred to the committee on Judiciary.

Council Bill No. 162

Read the second time and referred to the committee on Counties.

Council Bill No. 164

Read the second time and referred to the committee on Railroads.

Council Bill No. 165

Read the second time and referred to the committee on Judiciary.

Council Bill No. 166

Read the second time and referred to the committee on Judiciary.

Council Bill No. 167

Read the second time and referred to the committee on Counties.

Council Bill No. 168

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 169

Read the second time and referred to the committee on Judiciary.

Council Bill No. 170

Read the second time, and referred to the committee on Appropriations.

Council Bill No. 185

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. McLaughlin moved

To suspend the rules and that

Council Bill No. 149

Be referred to the committee on Judiciary, and that the committee on Cities and Municipal Corporations be discharged from further consideration thereof.

Which motion prevailed.

• THIRD READING OF COUNCIL BILLS.

Council Bill No. 144. A bill for the incorporation of the city of Scotland.

Was read the third time.

Mr. Bowdle moved

That the rules be suspended, and that the further reading of

Council Bill No. 144

Be dispensed with, and that it be put upon its final passage.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. McLaughlin, Nickeus, Pettigrew.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 127, 20, 45, 84, 79, 88, 89, 91, 106, 116, 114, 93, 109,

Were read the first time.

FIRST READING OF HOUSE BILLS.

House Bill No. 107. A bill for an act providing for a clerk for the committee on Appropriations.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Bowdle, Flittie and Pettigrew.

So the bill passed, and its title was agreed to.

House Bill No. 37. A bill for an act creating the county of Ward and defining its boundaries and for other purposes.

Was read the third time.

Mr. Twomey moved

That the report of the committee, together with the amendment, be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, Pettigrew, Richardson, Washabaugh.

So the bill passed, and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, February 10, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on the 6th instant the House of Representatives did pass

House Bill No. 76. A bill for an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota.

Which is herewith transmitted,

And a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED.

Chief Clerk House.

House Bill No. 82. A bill for an act to amend Sec. 53 of Chap. 44 of Laws of 1883 and to provide what fund money paid into the county treasury for license to sell intoxicating liquors, shall be applied.

Was read the third time.

Mr. Twomey moved

That the further consideration of

House Bill No. 82

Be deferred until one week from to-day at 3 o'clock p. m.

Which motion was lost.

Mr. McLaughlin moved

The following amendment :

Strike out Sec. 1 and amend Sec. 2 so as to read as follows : All fines, forfeitures and pecuniary penalties prescribed as a punishment for crime and collected under the general laws of the Territory ; and all money paid into the county treasury for license to sell intoxicating liquors in the various counties shall be placed in and become a part of the general county fund.

The ayes and nays were called for.

The roll being called on the amendment there were ayes, 13; nays 8.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Gamble, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Duncan, Huetson, LaMoure, Twomey, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Austin, Farmer and Flittie.

So the amendment was adopted.

The roll being called upon the final passage of the bill, as amended there were, ayes 14; nays 7.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Gamble, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Duncan, Huetson, LaMoure, Twomey, Wagner, Wells.

Absent and not voting:

Messrs. Austin, Farmer, Flittie.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, February 10, 1885.

I am requested to announce to your honorable body that the House of Representatives on to-day did concur in Council Bill No. 90. A bill for a Joint Resolution authorizing the President of the Council and Speaker of the House of Representatives to appoint stenographers for their respective houses.

And which is herewith transmitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

THIRD READING OF HOUSE BILLS.

House Bill No. 54. A bill for an act legalizing the incorporation of the village of Valley Springs, and other acts.

Read the third time and put upon its final passage.

The roll being called, there were ayes 14; nays 6.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Jones, LaMoure,

McLaughlin, Natwick, Nickeus, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Gamble, Huetson, Kennedy, Pettigrew, Twomey, Wagner.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, Richardson,

So the bill passed and its title was agreed to.

House Bill No. 41. A bill for an act authorizing the board of county commissioners of Custer county to levy a 10-mill tax for county general fund.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Nickeus voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, LaMoure, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 32. A bill for an act to authorize the county commissioners of Day and Hyde counties to fund the outstanding indebtedness thereof.

Read the third time.

Mr. Smedley moved

To amend the title of the bill by inserting the words "and Hyde" after the word "Day."

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, Huetson, Richardson.

So the bill passed, and its title was agreed to.

House Bill No. 23. A bill for an act authorizing the county of Morton to issue bonds for the purpose of procuring ground and erecting thereon a court house and jail for the county of Morton.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 12; nays 6.

Those who voted in the affirmative were:

Messrs. Cameron, Flittie, Gamble, Kennedy, LaMoure, Natwick, Nickeus, Twomey, Wagner, Washabaugh, Wells.
Mr. President.

Those who voted in the negative were:

Messrs. Day, Duncan, Huetson, Jones, McLaughlin, Walsh,
Absent and not voting:

Messrs. Austin, Bowdle, Farmer, Pettigrew, Richardson, Smedley.

So the bill passed and its title was agreed to.

RESOLUTIONS AND MEMORIALS.

Mr. Nickeus asked for unanimous consent to introduce the following resolution:

To the Senate and House of Representatives of the United States in Congress Assembled:

A Joint Resolution of the Council and House of Representatives of the Legislature of the Territory of Dakota:

WHEREAS, By an act of Congress, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast, by the northern route," approved July 2, 1864, the "Northern Pacific Railroad company," a body corporate and politic created and erected by said enactment, was granted, amongst other lands, large bodies of land from the public domain in the Territory of Dakota, for the purpose of aiding it in the construction of the railroad and telegraph line, provided for in said act; and

WHEREAS, The said "Northern Pacific Railroad company," by its deeds of warranty and its contracts for deeds, has at various times since the passage and approval of the act aforesaid, sold portions of the land aforesaid to individuals resident within the Territory and elsewhere, and still remains the owner of large bodies of the said lands lying throughout the grant; and

WHEREAS, The proper officers of the respective counties in the Territory of Dakota, wherein the lands aforesaid lie, have from time to time, assessed said lands for the purpose of revenue, and have levied upon and collected from them by sale and otherwise, large sums of money in taxes, which have been appropriated to the payment of the legitimate expenses of the municipal government, as is provided by law; and

WHEREAS, By the failure and refusal of the said Northern Pacific Railroad company to pay into the Treasury of the United States the cost of surveying, selecting and conveying the said lands, it is enabled to and does claim that its equitable title thereto is not complete; that its right to patent therefor does not exist, and that the lands are not taxable, thus wrongfully withholding from the grantees the legal title from the United States, involving the counties in which its lands lie in serious financial embarrassment and relieving itself from contributing its just share to the maintenance while it enjoys the protection of civil government.

Be it Resolved, That the action of the Northern Pacific Railroad company in refusing to complete its title to the lands aforesaid is contrary to the spirit and intention of the law, and is destructive of the fundamental principles of taxation, and

Be it further Resolved, That Congress be, and it hereby is memorialized to at once enact appropriate and sufficient laws to compel said "Northern Pacific Railroad company" to complete its equitable title to all its earned lands and take out patents therefor without further delay.

Which resolution was referred to the committee on Railroads.

On motion of Mr. Wagner.

The Council adjourned until to-morrow at 2 o'clock p. m.
Adjourned.

A. W. HOWARD,
Chief Clerk.

THIRTIETH DAY.

BISMARCK, Wednesday, February 11, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Bowdle, Pettigrew and Walsh.

Journal of previous day read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

BISMARCK, February 11, 1885.

MR. PRESIDENT:

Your committee on Insurance having had Council Bill No. 156

Under consideration, beg leave to report the same back with amendments, and recommend its passage as amended.

In line 6 of Sec. 10, after the word "in" in said line insert the word "their."

In line 1 of Sec. 15 strike out the word "five."

In line 3 of Sec. 23, after the word "serving" insert the words "papers on;" in the same line after the word "action" insert the words "or proceedings."

In line 5 of same section, after the words "in the" insert the words "actions or proceedings."

In line 2, Sec. 25, after the word "fire" insert the words "hail, cyclone and tornado."

In line 4, Sec. 27, after the word "fire" insert the words "cyclone, tornado and hail."

In line 14, Sec. 41, strike out the words "a Justice of the Peace of the town or city," and insert the words "the

Register of Deeds or clerk of the District Court of the county" in lieu thereof.

In line 1, Sec. 43, after the word "when" insert the word "by;" also in line 6 of said section, after the word "with" strike out the word "this" and insert in lieu thereof the word "in"

All of which is respectfully submitted.

D. H. TWOMEY,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 61. A bill for an act fixing the per diem and mileage of the county commissioners of Custer and Pennington counties.

Have had the same under consideration, and beg leave to report the same back without recommendation.

Also,

Council Bill No. 75. A bill for an act creating the county of Marshall and defining the boundaries of Day county.

Also,

Council Bill No. 133. A bill for an act establishing civil townships in Traill county, Territory of Dakota.

Beg leave to report the same back with the recommendation that they do pass.

B. R. WAGNER,
Chairman.

Mr. Nickeus moved

The adoption of the report.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Enrollment beg leave to report that we have this 10th day of February, 1885, at 3:20 o'clock p. m. presented

Council Bills Nos. 28, 30 and 84.

To His Excellency the Governor for his signature and approval.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred

Council Bill No. 140. A bill for an act to provide for the organization of new counties.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass, and that it be made the special order for Saturday, February, 14, at 3 p. m.

J. R. GAMBLE,
Chairman.

Mr. Nickeus moved
The adoption of the report.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 112. A bill for an act to amend Sec. 9, of Chap. 39, of the Political Code,

Have had the same under consideration

And beg leave to report back the following substitute to said bill and recommend that such substitute do pass.

Substitute: Entitled, A bill for an act to provide for fees in foreclosures of mortgages of real property by advertisement.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That the Sheriff or person making the sale of real property under the foreclosure of mortgages by advertisement, shall receive the same fees and no more than are now or may be provided by law for the sale of real property under a judgment of foreclosure and sale of real property.

Also,

Council Bill No. 163, have had the same under consideration

And beg leave to report the same back with the following amendments and recommend its passage as amended.

Strike out the word "may," where it occurs in the ninth line of Sec. 1 of said bill, and insert in lieu thereof the word "shall."

Strike out the following words where they first occur in said section, to-wit: "For each installment for."

Also,

Council Bill No. 145. A bill for an act to amend Sections 423 and 424 of the Code of Criminal Procedure of the Territory of Dakota.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
Chairman.

INTRODUCTION OF BILLS.

Mr. Twomey introduced—

Council Bill No. 190. A bill for an act providing a new charter for the city of Fargo, D. T.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 186. A bill for an act making appropriations to pay for fuel used in heating the Capitol building.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 187. A bill for an act amending Sec. 104 of the Code of Civil Procedure.

Which was read the first time.

Mr. Twomey, by request, introduced—

Council Bill No. 188. A bill for an act to enable cities and municipal corporations to purchase and construct water works and for other purposes.

Which was read the first time.

Also,

Council Bill No. 189. A bill for an act to amend Sec. 101 of the Code of Civil Procedure.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 171

Read the second time and referred to the committee on Judiciary,

Council Bill No. 172

Read the second time and referred to the committee on Counties.

Council Bill No. 173

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 174

Read the second time, and referred to the committee on Counties.

Council Bill No. 175

Read the second time, and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 177

Read the second time, and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 145. A bill for an act to amend Secs. 423 and 424 of the Code of Criminal Procedure of the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle and LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 19. A bill for an act to provide for the incorporation of Street Railway companies and for other purposes.

Was read the third time.

Mr. Flittie moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the passage of the bill as amended, there were ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Walsh voting in the negative.

Absent and not voting:

Messrs. LaMoure and McLaughlin.

So the bill passed and its title was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Pettigrew, chairman of the committee on Appropriations asked unanimous consent to make a report at this time, and there being no objection the report was accepted as follows:

MR. PRESIDENT:

Your committee on appropriations report back

Council Bill No. 78

With the following amendments, and recommend its passage as amended.

Strike out the three first lines and the word "building" in the fourth line of Sec. 1 and insert the following:

"That for the purpose of providing funds to pay the deficiency caused by the erection of a main building and improve the grounds and outbuildings, purchase apparatus and water supply."

Strike out "one hundred" and insert "twenty-four" in line 9 of Sec. 1.

Strike out all of Sec. 6 after the fifth line and add the following:

"For deficiency construction of building as now built, twenty thousand three hundred and sixty-two dollars, for library, one thousand dollars; improving grounds, five hundred dollars; for water closets, five hundred dollars; for apparatus for laboratory, etc., one thousand dollars; for water supply, six hundred and thirty-eight dollars."

R. F. PETTIGREW,
Chairman.

Mr. Walsh moved

That the report be adopted.

Which motion prevailed.

Mr. Richardson, chairman of the committee on Enrollment, asked unanimous consent to make a report at this time.

There being no objection it was received.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred

Council Bill No. 90

Beg leave to report the same back as correctly enrolled.

MESSAGES FROM THE HOUSE.

BISMARCK, February 11, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on the 10th inst., the House of Representatives did pass House Bill No. 71. A bill for an act to amend Sec. 47 of Chap. 27, granting women the right of suffrage.

Also,

House Bill No. 129. A bill for an act to change the name of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford.

Also,

House Bill No. 131. A bill for an act making the second edition of Levissee's Code of Dakota presumptive evidence of such laws.

Which are herewith transmitted, and a concurrence in the same by the Council is respectfully requested.

Also,

That on to-day the House of Representatives did concur in

Council Bill No. 134. A bill for an act to provide for building a court house and jail in Hamlin county, and for other purposes, and which is herewith returned.

C. M. REED,
Chief Clerk House.

Mr. Farmer asked unanimous consent to introduce the following resolution, which was granted:

Resolved, In recognition of the presence, in this city, of one of Minnesota's most distinguished and honored citizens, and who represented our sister state in the halls of Congress for twelve consecutive years; be it

Resolved, That the privilege of this floor be accorded the Hon. Mark H. Donnell during his stay in this city.

Mr. Farmer moved the adoption of the resolution.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 156. A bill for an act to revise and amend Art. 11 of the Civil Code, entitled Insurance companies,

Was read the third time as amended.

Mr. Westover moved

That the further consideration of the bill be deferred and made the special order for next Tuesday at 10 o'clock a. m.

Which motion prevailed.

Council Bill No. 78. A bill for an act to provide funds for the construction of a main building for the University of North Dakota,

Was read the third time.

Mr. Pettigrew offered the following amendment:

In case the Territory of Dakota is divided, the bonds issued under the provisions of this act shall be paid by that portion of the Territory within which said University is situated.

Mr. Pettigrew moved

That the bill be amended in accordance with the report of the committee.

Which motion prevailed.

Mr. Pettigrew moved

To amend the title so as to agree with the bill.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Richardson being absent.

So the bill passed and its title was agreed to as amended.

Council Bill No. 133. A bill for an act establishing civil townships in Traill county, Dakota.

Read the third time.

Mr. Walsh moved

An amendment by adopting the following for Sec. 7, viz:

Sec. 7. The civil township of Falconer shall consist of township No. 152 north of range No. 50 west. The civil township of Rye shall consist of township No. 152 north of range 51 west, both in the county of Grand Forks, Dakota. That any indebtedness that may be standing against the

township of Rye up to the present time shall be apportioned against said townships of Falconer and Rye, as the same shall bear in property to its assessed valuation, and the board of supervisors and the Township Treasurer of said township of Rye heretofore formed, together with the County Auditor of Grand Forks county, are hereby appointed a board of arbitration to apportion all moneys now in the hands of the Township Treasurer of Rye, as well as any indebtedness against said township, to each of the above named townships.

Make Sec. 7 Sec. 8.

Adopted.

The roll being called on the passage of the bill as amended, there were ayes, 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. LaMoure, being absent.

So the bill passed and its title was agreed to.

Substitute for Council Bill No. 112. A bill for an act to amend Sec. 9 of Chap. 39 of the Political Code

Was read the third time.

Mr. Gamble moved

The adoption of the report of the committee

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 24; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

So the bill passed and its title was agreed to.

Council Bill No. 163. A bill for an act to amend Sec. 599 of Chap. 28 of Dakota Code in relation to the foreclosure of mortgages

Was read the third time.

Mr. McLaughlin moved

To amend by striking out the words "By the mortgagor."

Which motion prevailed.

The roll being called upon the passage of the bill as amended, there were ayes, 20; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, Smedley, Wagner.

Mr. Walsh being absent.

So the bill passed and its title was agreed to.

Council Bill No. 75

Was read the third time.

Mr. Smedley moved

That Council Bill No. 75 be recommitted to the committee on Counties.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. LaMoure asked unanimous consent to make a report at this time.

There being no objection it was received and read.

MR. PRESIDENT:

Your committee to who was referred

Council Bill No. 155

Have had the same under consideration and recommend the following amendments, viz.:

Wherever the word "Kampeska" occurs in said bill it be stricken out and the word "Watertown" inserted in lieu thereof.

Mr. Smedley moved

The adoption of the report of the committee.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 11, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 84. A bill for a Joint Resolution pro-

viding for the purchase of water for the Capitol building.

Also,

Council Bill No. 100. A bill for a Joint Resolution authorizing the President of the Council and the Speaker of the House of Representatives to appoint an assistant enrolling and engrossing clerk, and an assistant clerk of the Council and House of Representatives.

GILBERT A. PIERCE,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 155. A bill for an act to incorporate the city of Kampeska, Codington county, Dakota.

Was read the third time, as amended, and put upon its final passage.

The roll being called, there were ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Duncan, Farmer.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 76

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 93

Read the second time and referred to the committee on Agriculture.

House Bill No. 109

Read the second time and referred to the committee on Education.

House Bill No. 114

Read the second time and referred to the committee on Judiciary.

House Bill No. 116

Read the second time and referred to the committee on Judiciary.

House Bill No. 106

Read the second time and referred to the committee on Incorporations.

House Bill No. 91

Read the second time and referred to the committee on Judiciary.

House Bill No. 89

Read the second time, and referred to the committee on Education.

House Bill No. 88

Read the second time and referred to the committee on Judiciary.

House Bill No. 79

Read second time and referred to the committee on Judiciary.

House Bill No. 84

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 45

Read the second time and referred to the committee on Judiciary.

House Bill No. 20

Read the second time and referred to the committee on Appropriations.

House Bill No. 127

Read the second time and referred to the committee on Highways, Roads and Bridges.

Mr. Pettigrew, asked unanimous consent to introduce Council Bills at this time, and there being no objection. Council Bills No. 191 and 192 were introduced.

The President appointed M. H. Kelley as assistant clerk of the Council.

On motion of Mr. Smedley the Council adjourned until 2 o'clock p. m. to-morrow.

A. W. HOWARD,
Chief Clerk.

THIRTY-FIRST DAY.

BISMARCK, Thursday, February 12, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, the following members were found absent:

Messrs. Bowdle and Day.

Mr. Day being excused.

Journal of the previous day read, corrected and approved.

The President announced that under Council Bill No. 90, providing for the appointment of a stenographer, he had appointed E. A. Maglone.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 12, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 90. A bill for a Joint Resolution authorizing the President of the Council and Speaker of the House to appoint stenographers for their respective houses.

GILBERT A. PIERCE,
Governor.

EXECUTIVE OFFICE, BISMARCK, February 11, 1885.

To the President of the Council:

I have the honor to return herewith Council Bill No. 30 without approving the same. I regret the necessity of this,

more especially as I suppose it may be regarded as in some degree an act to solve the difficulties heretofore existing in Spink county. In view of this fact I should feel like approving the bill, even though it arbitrarily fixed the county seat (an act objectionable in ordinary cases), did it provide for a submission of the other questions involved to a vote of the entire people interested. But for many reasons I do not think the bill presented wise or expedient. The only way to escape deluge of measures of this kind, measures which will foment strife, disturb communities, and plunge both the Legislature and Executive department into endless trouble, is to declare at the outset that special legislation of this kind shall only be enacted in cases where there is practical unanimity, or where the question of division is submitted to a vote of the whole people. I am thoroughly convinced of this, and I doubt not the experience of the past week has made the same fact palpable to the Legislature. The furore to divide counties grows by what it feeds on and becomes a raging epidemic. Success in dividing one county leads to innumerable schemes to divide other counties, and the simple truth is, at the present rate of multiplication, the business must practically supercede all other work, if the attention which each case demands to insure anything like justice, is given to it by the Legislature and Governor. As each new county must have a county seat, a new element, not favorable to calmness or deliberation, is injected into the controversy, and thus the very county seat spectre we seek to dispel in the case of Spink county, is summoned from a multitude of new comers.

There are, and will be, meritorious cases brought to your attention. I recognize this fully. The time will come when new county lines must be made, and large divisions submit to curtailment. But the present is unpropitious for this agitation. The Territory is occupying a peculiar position before the eyes of the people, not only of the Territory but the country at large. Is it not better that we submit to a little inconvenience for a time, than that so much excitement, bitterness and ill-feeling should be aroused? If it be said that the bill is in the nature of a just punishment to Spink county for the late disturbance there, the recent decision of the Council in relation to taxing the cost upon the county is a sufficient answer. It was therein determined, after careful consideration, that the lawlessness of certain persons should not be visited on the

entire population, and the same just conclusion follows the question of division. Indeed, all the force of exemplary legislation seems lost when it is proposed to visit the sins of Spink county upon the heads of the citizens of Beadle county, who were but innocent spectators of this trouble.

Many of the states have constitutional provisions prohibiting special legislation; and all change of this character must be done by laws of general application. We have no constitution forbidding such acts, but we can easily pursue that course which experience has shown to be wise in other states, and save ourselves and the people from much needless trouble. I am sure that a general law can be framed which will meet deserving cases, and such a law I would gladly approve.

There is a phase of this bill which I refer to because it underlies most of the proposed legislation of this same character, and which, to my mind, is very objectionable. Section 10 of the proposed law provides that the towns separated from Beadle and attached to the new county to be formed, shall pay their proportionate share of the debt of Beadle county, amounting, I am informed, to something over eighty thousand (\$80,000) dollars. These towns must pay their share of this debt and must also pay for the erection of such county buildings as will be necessary in the new county. The whole will impose a burden difficult to bear. It may be said, that as they have a voice in voting, they can refuse to assume this responsibility; but this is a mistake, for the reason that the adjoining towns in Spink county, all for various reasons favorable to the measure, and having no debt to embarrass them, outnumber the Beadle county towns in population, and as the vote is to be taken as a whole, the latter may be forced to the double taxation whether they vote against the proposition, or not. I am sure the Legislature does not wish to compel these people to assume this disadvantageous position against their will and protest, and yet the provisions of the bill make such result not only possible, but probable.

Another provision of the bill which authorizes the commissioners of Spink county to provide suitable offices for the county seems to me objectionable. Under the general law, extraordinary expenditures must be submitted by the county commissioners to a vote; but it is a question

whether the bill does not make an exception to the general provisions, and if it does, a large expenditure could be made by the commissioners of Spink county, without any of the restraints usually imposed by the Legislature in such cases.

For the reasons stated I do not feel that Council Bill No. 30 should receive my approval, and I have much hope that the Legislature will also see in the flood-tide of these bills which has followed the passage of the one under discussion a sufficient reason for withholding its encouragement.

GILBERT A. PIERCE,
Governor.

Mr. Nickeus moved

That the consideration of the message from the Governor on

House Bill No. 30 be passed and taken up under the consideration of General Orders.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

BISMARCK, Dak., February 12, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that on yesterday the House of Representatives did pass

House Bill No. 144. A bill for an act defining the boundaries of Cavalier county.

And a concurrence in the same by your honorable body is respectfully requested.

Also,

That on the same day the House did concur in

Council Bill No. 76. A bill for an act to amend Sec. 101, of Chap. 9, of the Code of Civil Procedure.

Also,

Council Bill No. 88. A bill for an act to authorize the purchase and distribution of 250 copies of the third volume of Dakota Supreme Court Reports.

Also,

Council Bill No. 147. A bill for an act constituting Ransom and Sargent counties a judicial sub-division, and for other purposes.

All of said bills are herewith transmitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred
Council Bill No. 100,

Beg leave to report the same back as correctly enrolled.

Also,

Beg leave to report that we have this 11th day of February, 1885, at 5:12 o'clock p. m., presented

Council Bill No. 100

To His Excellency, the Governor, for his signature and approval.

Also,

Beg leave to report that we have this 11th day of February, 1885, at 4:10 o'clock p. m., presented

Council Bill No. 90

To His Excellency, the Governor, for his signature and approval.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Incorporations, to whom was referred

House Files-Nos. 44 and 96,

Beg leave to report that they have had the same under consideration and recommend that they do pass.

W. B. CAMERON,
Chairman.

MR. PRESIDENT:

Your committee on Incorporations to whom was referred

House File No. 106. A bill for an act providing for a special election in the county of McHenry, have had the same under consideration, and beg leave to report the following amendment as a substitute, and recommend the passage of the amended substitute.

W. B. CAMERON,
Chairman.

Mr. Walsh moved
The adoption of the report.
Which motion prevailed.

MR. PRESIDENT:

Your committee on Counties. to whom was referred
Council Bill No. 75,

Have had the same under consideration, and report the
same back with the recommendation that it do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations to
whom was referred

Council Bills Nos. 185, 168, 159 and 122.

Also,

House Bills Nos. 84 and 38

Have had the same under consideration, and report the
same back with the recommendation that it do pass.

JUDSON LAMOURE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Walsh moved
That the rules be suspended and that
House Bill No. 106
Be taken up, considered and put upon its final passage.
Which motion prevailed.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill 106. A bill for an act provid-
ing for a special election in the county of McHenry.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer,
Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Mc-
Laughlin, Natwick, Nickeus, Pettigrew, Richardson, Smed-
ley, Twomey, Wagner, Washabaugh, Walsh, Mr. Presi-
dent.

Mr. Wells being absent.

So the bill passed and its title was agreed to.

THURSDAY, FEBRUARY 12, 1885.

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COMMITTEE OF THE WHOLE.

The President announced that the hour had now arrived for the special consideration of

Council Bill No. 73,

The Council then went into Committee of the Whole, with

Mr. McLaughlin in the chair.

Upon the committee rising, the chairman reported that they had been considering

Council Bill No. 73, reported progress, and asked leave to sit again.

Mr. Gamble moved

That the report be adopted and leave given to sit again.

Which motion prevailed.

On motion of Mr. LaMoure,

The Council adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,

Chief Clerk.

THIRTY-SECOND DAY.

BISMARCK, Friday, February 13, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Austin, Day, McLaughlin, Richardson, Walsh.

Journal of previous day read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, Council Bills Nos. 175 and 173,

Have had the same under consideration and Recommend their passage.

JUDSON LAMOURE,

Chairman.

MR. PRESIDENT:

Your committee on Counties, to whom was referred House Bill No. 72. A bill for an act for the construction of a court house in Edmunds county,

Have had the same under consideration, and

Report it back to the Council with the following amendments:

Strike out the words "Passage of this act," where they occur in the third line of Sec. 2 of original bill, and insert in lieu thereof, "approval of this act by a vote of the people;" also add to Sec. 3 the following: "Not exceeding five hundred dollars, and such site shall not be purchased until this act is approved by a vote of the people;" also,

Strike out the word "ten" in line 9 of Sec. 7 of original bill, and insert in lieu thereof "eight;" also

Strike out the word "one" and figures (\$100), where they occur in line 12 of Sec. 7, and insert in lieu thereof the word "five" and the figures (\$500); also

Strike out the words "office of the Treasurer of said Edmunds county" where they occur after the words "at the" in the fifth line of Sec. 8, and insert in lieu thereof "At such place as shall be designated by the board of county commissioners;" also

Insert the following after the figures 1885, where they occur in line 9 of Sec. 13, "and thirty days notice of such election shall be given by publication in three newspapers in said Edmunds county."

And recommend that the bill as amended do pass.

B. R. WAGNER,

Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 154. A bill for an act to empower School District No. 7, of Cass county, to issue bonds to fund indebtedness and to repeal an act entitled an act to empower School District No. 7, of Cass county, to issue bonds to build a school house and to fund indebtedness.

Beg leave to report that they have had the same under consideration, and recommend that it do pass.

Also,

Council Bill No. 139. A bill for an act establishing Independent School District No. 3. Lake county, Dakota,

Beg leave to report that they have had the same under consideration, and recommend that it do pass.

Also,

House Bill No. 109. A bill for an act to establish a portion of the school township of Denver, Kingsbury county, Dakota Territory. Also a portion of the school townships of Winsor and Bangor, in Brookings county, Dakota Territory, as an independent school district, to be designated as Independent School District Number One (1) of Kingsbury county, Dakota Territory.

Beg leave to report that they have had the same under consideration and recommend that it do pass.

Also,

House Bill No. 89. A bill for an act to amend Sec. 1, of Chap. 62, of the Special Code of 1881.

Beg leave to report that they have had the same under consideration and recommend that it do pass.

Also,

Council Bill No. 129. A bill for an act to authorize School District No. 8, Cass county, to issue bonds to build a school house.

Beg leave to report that they have had the same under consideration and recommend that it do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred Council Bill No. 34. A bill for an act to amend Secs. 112 and 113 of the Justice's Code

Have had the same under advisement and the committee have instructed me to report that the bill do not pass.

Also,

Council Bill No. 43. A bill for an act to provide for compensation of persons other than officers for the service of summons and subpoena.

Have had the same under advisement, and beg leave to report the same back with the recommendation that it do not pass.

Also,

Council Bill No. 45. A bill for an act to amend Sec. 47, of Chap. of the Political Code, entitled "elections."

Have had the same under consideration and a majority of the committee beg leave to report the same back with recommendation that it do pass.

Also,

House File No. 91. A bill for an act to amend Chap. 22 of the Political Code.

Have had the same under consideration and a majority of the committee beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 88. A bill for an act relating to proofs of the existence of corporations in civil actions.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 161. A bill for an act entitled an act to amend Sec. 6, of Art. 2, of Chap. 1, of the Justice Code.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

House Bill No. 62. A bill for an act providing for the collection of family expenses and other debts.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

House File No. 79. A bill for an act to amend Sec. 46S, of the Code of Civil Procedure.

Beg leave to report the same back with the following amendments and recommend that the bill do pass as amended.

Strike out all of Sec. 1 after the word "oath" where it occurs in said section.

Also,

Council Bill No. 119. A bill for an act to amend Sec. 66, of Chap. 29, of the Political Code

Have had the same under advisement and beg leave to report the same back with the recommendation that it do not pass.

Also,

Council Bill No. 143. A bill for an act to amend Sec. 343, Chap. 2, of Title VIII., of the Code of Criminal Procedure,

And,

Council Bill No. 160. A bill for an act entitled an act to amend Sec. 92, of the Justice Code, as amended by Chap. 31 of the Session Laws of 1883,

Have had the same under consideration and beg leave to report the same back with the recommendation that they do not pass.

Also,

Council Bill No. 108. A bill for an act to amend Sec. 3, of Chap. 27, of the Political Code.

Beg leave to report that they have had the same under consideration, and recommend that the same be amended by striking out all the proviso at the end of said section, and inserting in lieu thereof the following:

Provided, That every organized civil township shall constitute an election precinct; and the township supervisors thereof shall be the judges of election, for all elections, whether general or special, held for any purpose whatsoever in the county.

And your committee recommend that said bill thus amended do pass.

Also,

Council Bill No. 120. A bill for an act to provide for contesting elections for county officers, and for the location of county seats and for other purposes.

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass, and that it be made a special order for Monday next, at 3 p. m.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Military Affairs, to whom was recommended

Council Bill No. 66

Have had the same under consideration and ask leave to report the same as amended, and ask that it do pass.

WM. DUNCAN,
Chairman.

MR. PRESIDENT:

Your committee on revenue, to whom was referred
Council Bill No. 87. A bill for an act supplementary

to Chap. 28, of the Political Code, entitled Revenue, and to authorize the bringing of suits for the recovery of delinquent taxes, and to regulate proceedings therein.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions, to whom was referred

Council Bill No. 111,

Have considered the same and have directed me to report the same back with recommendation that it do pass as amended.

Amend by striking out the word "ten," preceding the word "years," and insert the word "eight."

JOHNSON NICKEUS,
Chairman.

Mr. Nickeus, from the committee on Charitable and Penal Institutions, who have under consideration

Council Bill No. 14,

Asked that the bill be withdrawn from said committee, and that it be referred to the committee on Appropriations.

There being no objections it was so referred.

The President announced the following appointments:

P. W. Wildt, assistant enrolling and engrossing clerk.

J. A. Fry, postmaster for the Legislature.

Messrs. Wildt, Fry and Kelly were then sworn in by the President of the Council.

PETITIONS AND RESOLUTIONS.

Mr. Austin offered the following resolution:

WHEREAS, A substitute for Council Bill No. 73, is now before the committee of the Whole of this House, for consideration and report, and that the subject matter of several sections of said bill, namely, railroad transportation of grain and other kinds of freight, is involved in and provided for by House File No. 8 (known as the Oliver bill), which has been referred to, and is now in the hands of the Council committee on Railroads; now, to the end that both of said bills may be before the committee of the Whole at the same time, thereby avoiding the technical objection that the pro-

visions of the House Bill cannot be made available for the amendment of the Council Bill for the reason that the House Bill is pending before another committee; therefore, be it

Resolved, That said House Bill be, and the same hereby is, withdrawn from the committee to which it was referred, said committee to be discharged from the further consideration thereof, and the same referred to the committee of the Whole for the purpose aforesaid.

Mr. Austin moved the adoption of the above resolution.

Mr. Gamble moved

As a substitute for the resolution the following, "that Council Bills Nos. 25 and 73 and House Bill No. 8, together with the substitute therefor reported by the committee on Railroads, be referred to the Committee of the Whole and considered with the said substitute.

Which motion prevailed.

Mr. Twomey moved

That the rules be suspended and that Council Bill No. 190

Be passed to its second reading.

Which motion prevailed.

Bill read the second time and referred to the committee on Cities and Municipal Corporations.

INTRODUCTION OF BILLS.

Mr. Twomey introduced—

Council Bill No. 193. A bill for an act appropriating money for payment of furniture, etc., for the Capitol building.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 194. A bill for an act fixing the fees for transporting convicts to the penitentiary.

Which was read the first time.

Also,

Council Bill No. 195. A bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of this Territory.

Which was read the first time.

Mr. Wagner introduced—

Council Bill No. 196. A bill for an act to vacate portions

of the townsite of Springfield, Bon Homme county, and for other purposes.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 197. A bill for an act entitled an act to amend Chap. 89 of the Session Laws of 1881.

Which was read the first time.

Also,

Council Bill No. 198. A bill for an act entitled an act to provide for the storage and disposal of unclaimed baggage, freight and merchandise.

Which was read the first time.

Mr. Farmer introduced—

Council Bill No. 199. A bill for an act to incorporate the village of Howard in Miner county and to repeal former acts of incorporation of said town.

Which was read the first time.

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 132. A bill for an act authorizing the Treasurer of Traill county to transfer certain funds.

Also,

Council Bill No. 167. A bill for an act authorizing the commissioners of Miner county to fund outstanding indebtedness.

Also,

House Bill No. 56. A bill for an act authorizing the commissioners of Richland county to issue bonds.

Have had the same under consideration, and report them back to the Council with the recommendation that they do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 165. A bill for an act to amend Sec. 656 of the Civil Code.

Have had the same under consideration and recommend that said bill be amended by the adoption of the following substitute:

A bill for an act to amend section 656 of the Civil Code, Territory of Dakota:

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That section 656 of the Civil Code of the Territory of Dakota be, and the same is hereby amended so as to read as follows:

Section 656. The proof or acknowledgment of an instrument may be made in this Territory within the judicial district, county, subdivision or city which the officer was elected or appointed before either

1. A judge or clerk of records; or
2. A mayor of a city; or
3. A register of deeds; or
4. A justice of the peace; or
5. A United States Circuit or District Court Commissioner; or
6. A county clerk; or
7. A county auditor.

Section 2. This act shall take effect and be in force on and after its passage and approval.

Also,

Council Bill No. 83. A bill for an act to amend section 15, chapter 21, of the Revised Code of the Territory of Dakota,

Have had the same under consideration

And beg leave to report back with the following as a substitute for said bill, and recommend that said substitute do pass, to-wit:

A bill for an act to amend section 15, of chapter 21, of the Political Code of the Territory of Dakota.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 15, of chapter 21, of the Political Code of the Territory of Dakota, be, and the same is hereby amended by adding at the end thereof the following:

Provided, That no person hereafter shall be eligible to the office of County Treasurer for more than two terms in succession.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 116. A bill for an act to amend section 5, of chapter 33, of the Special Laws of 1883, relating to county commissioners,

Have had the same under consideration and

Beg leave to report back the following as an amendment and substitute for said bill and recommend that the same do pass.

Substitute for a bill for an act to amend chapter 33, of the Special Laws of 1883, relating to county commissioners.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 5, of chapter 33, of the Special Laws of 1883, entitled, an act to provide for the division of counties into five commissioner districts and the appointment and election of commissioners therefor, and amending section 15, of chapter 21, of the Political Code, be, and the same is hereby amended by striking out all of the proviso in said section 5 of said act.

SEC. 2. The provisions of said act are hereby expressly extended and made to apply to the counties of Clay and Lincoln, in this Territory.

J. R. GAMBLE,
Chairman.

INTRODUCTION OF BILLS.

Mr. LaMoure introduced—

Council Bill No. 200. A bill for an act to amend chapters 52 and 53 of the Laws of 1883.

Which was read the first time.

Also,

Council Bill No. 201. A bill for an act to amend section 5, of chapter 5, of the Political Code.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 202. A bill for an act granting a charter to the city of Columbia.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 203. A bill for an act to amend an act entitled an act to create the office of district attorney for

the several counties of Dakota Territory, and for other purposes.

Which was read the first time.

Mr. Flittie introduced—

Council Bill No. 204. A bill for an act incorporating the city of Mayville, Traill county, Dakota Territory.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 205. A bill for an act to relocate the county seat of Turner county by special election, on a majority vote.

Which was read the first time.

Mr. Pettigrew moved that the rules be suspended and that

Council Bill No. 202

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 202

Was read the second time and referred to the committee on Cities and Municipal Corporations.

COMMITTEE OF THE WHOLE.

Mr. Smedley moved

That the Council now go into Committee of the Whole in consideration of

Council Bills Nos. 23 and 25, and House Bill No. 8, together with the substitute offered by the committee for the same.

Which motion prevailed.

The Council went into Committee of the Whole at 4 o'clock p. m., with

Mr. Washabaugh in the chair.

When the committee arose, the chairman made the following report:

MR. PRESIDENT:

The Committee of the Whole have considered the substitute for

Council Bill No. 73,

As reported by committee on Railroads, together with Council Bill No. 25 and House Bill No. 8, and recommend

That the words "in like manner appoint others to," in line 3 of Sec. 1, be stricken out, and insert in lieu thereof the words "by appointment;" also

That the words in line 4, "or by the expiration of the term of office," be stricken out, and insert the word "or" after the word "removal," in same line; also

Strike out the word "the" where it occurs before the word "debt," in same line; also

Insert the word "bi-ennially" after the word "shall," in line 1 of section 1; also

To strike out the words "shall be qualified electors of the," in the eighth line, section 1; also

The words "Territory and," in the ninth line, section 1; also

That the word "bi-ennially" be inserted after the word "shall" in first line; also

The words "after such appointments," after the words "April next," in third line, where they occur in the printed bill; also

To strike out the words "and of its condition," where they occur in section 2 of the original substitute bill; also

That the word "adjudge," in eighth line of section 3, be stricken out and the word "deem" be inserted in lieu thereof; also

That the word "general," in line 21, section 4, be stricken out and the word "legislative" be inserted in lieu thereof; also

That the words "adjacent thereto" be added after the word "mill," in line 7 of section 10; also

That the words "all" and "companies" be stricken out in line 1, section 10, and the words "any" and "company" be inserted in lieu thereof; also

That the word "public," in line 3 of section 10, be stricken out; also

Add the words "of equal distance within the Territory," section 11; also

To strike out the words "to be recovered in a civil action therefor," where they occur in line 6 of section 13; also

To add after section 13 as follows:

Section 14. All railroad companies operating any lines of railroad in this Territory are hereby declared subject to the provisions of this act, and the commissioners herein provided for are authorized, and it is made their duty to enforce its provisions in the courts of this Territory; and it is made the duty of the district attorney, or in case of his

neglect or refusal, the attorney general to prosecute any and all violations of its provisions, upon complaint being made by said commissioners.

And recommend the bill, as amended, do pass.

FRANK WASHABAUGH,
Chairman.

Mr. McLaughlin asked unanimous consent to introduce—
Council Bills Nos. 206, 207, 208.

There being no objection, they were received and read the first time.

Mr. Richardson asked unanimous consent to make a report at this time.

There being no objection, the report was received.

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred.
Council Bills Nos. 19, 78, 133 112,

Beg leave to report the same back as correctly engrossed.

Also,

Council Bills, Nos. 76, and 134.

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

On motion of Mr. Natwick,

The Council adjourned until to-morrow, at 2 o'clock p. m.

A. W. HOWARD,
Chief Clerk.

THIRTY-THIRD DAY.

BISMARCK, Saturday, February 14, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called all members were present.

The Journal of the previous day read, corrected and approved.

Mr. LaMoure moved

That the resolution offered by Mr. Austin yesterday, pertaining to Substitute No. 73, be stricken from the Journal.

Which motion prevailed.

Mr. Twomey moved

That the words "as a substitute for the resolution the following," be stricken from the Journal, where they occur on the sixth page.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 13, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 28. A bill for an act to allow the school township of Ordway, in Brown county, to issue bonds to fund outstanding indebtedness.

GILBERT A. PIERCE,
Governor.

PETITIONS AND COMMUNICATIONS.

Mr. Day presented a petition from the citizens of Spink county pertaining to Woman Suffrage.

Which was referred to the committee on Elections.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

Council Bill No. 202

Have had the same under consideration and recommend the passage of the same.

Council Bill No. 190

Have had the same under consideration and beg leave to report the same back with the following amendments, with recommendation that the bill do pass as amended.

Amend article 1, section 2, by striking out the following words: "Such auditor, assessor and engineer to be appointed by the Council, subject to the approval of the mayor and city attorney," where they occur in the fourth and following lines.

Strike out the word "other" in the sixth line of said section, and insert in lieu thereof the word "such."

Amend section 12 in said article by striking out the words "city council," where they occur in line 2 and insert in lieu thereof the word "mayor."

Amend article 4, section 1, by striking out the word "council," where it first appears in line 2, and insert the word "mayor."

Also,

Amend said section by striking out the word "mayor" where it occurs in line 2, and insert in lieu thereof the word "council."

Amend article 4, section 14, by making the first two lines read as follows: "The mayor shall appoint, subject to the approval of the Council, an assessor who shall be styled."

Amend section 19 in said article by adding at the end thereof the following words: "And the same shall be accepted by the board of county commissioners in lieu of all other assessment rolls for said property in said city subject to equalization."

Amend Art. 6, section 2 first 2 lines thereof by making said lines read: "At the first meeting of the city council in each year the mayor shall appoint subject to the approval of the council a city surveyor."

Amend section 3 by striking out the words "of constables at common law or by the Laws of this Territory" where they occur in the sixth and seventh lines thereof.

JUD. LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred

Council Bill No. 107. A bill for an act to provide for the taking of testimony by commission in Justice Court.

Have had the same under consideration and beg leave to report the following amendment to said bill as a substitute therefor and recommend that the same do pass:

Substitute Bill for an act to amend section 47 of the Justices Code of the Territory of Dakota.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That section 47 of the Justices Code of the

Territory of Dakota be and the same is hereby amended by adding at the end of said section the following :

“And if the trial be postponed the depositions of witnesses residing out of the county or Territory may be taken either upon commission issued by the Justice or upon notice to take depositions in the same manner as is provided by the Code of Civil Procedure, and such depositions shall when completed be directed to the Justice and be published by the Justice in the same manner as depositions are published by the clerk of the district court.”

Also,
Council Bill No. 22.

Have had the same under consideration and
Beg leave to report the same back with the
Recommendation that it do not pass.

Also,
Council Bill Nos. 149 and 150.

Have had the same under consideration
And beg leave to report back
Substitute for said bills and
Recommend that said substitute do pass.

Also,
Council Bill No. 157. A bill for an act to amend section 18, of chapter 39 of the Political Code.

Have had the same under consideration
And beg leave to report the same back with the
Recommendation that it do not pass.

Also,
Council Bill No. 137. A bill for an act to amend section 57, chapter 6, of the Code of Civil Procedure.

Have had the same under consideration
And beg leave to report the same back with the
Recommendation that it do not pass.

Also,
Council Bill No. 171. A bill for an act to amend section 2115 of Part 5 of Division Fourth of the Civil Code.

Have had the same under consideration
And beg leave to report the following amendment to said bill as a

Substitute therefor, and
Recommend that the same do pass.

Substitute: A bill for an act to amend section 2115 of the Code of Civil Procedure of the Territory of Dakota.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

Section 1. That section 2115 of the Code of Civil Procedure be, and the same is, hereby amended by inserting after the word "December," in the third line of said section the following words: "The thirtieth day of May."

JOHN R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred Council Bill No. 88,
Beg leave to report the same back as correctly enrolled.

Also,

Beg leave to report that we have this 14th day of February, 1885, at 11:57 o'clock a. m., presented Council Bill No. 134

To His Excellency, the Governor, for his signature and approval.

CHAS. RICHARDSON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Nickeus moved

That the Council do now proceed to the consideration of the Governor's veto message touching Council Bill No. 30

Which motion prevailed.

The President stated that the question before the Council now was,

Shall the bill pass notwithstanding the Governor's objections?

The roll being called, there were, ayes none; nays 20.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Wagner, Washabauh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Duncan, Pettigrew, Twomey.

So the veto was sustained.

INTRODUCTION OF BILLS.

Mr. Twomey introduced—

Council Bill No. 209. A bill for an act to amend section 2 of chapter 3 of an act entitled an act to establish a code of proceedings in the courts of justices of the peace, and to limit the jurisdiction of the same.

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 210. A bill for an act to enable Brown county to issue bonds to build a court house and jail.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 211. A bill for an act amending section 237 of the Code of Civil Procedure.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 212. A bill for an act to empower School District No. 78 of Walsh county, Dakota, to issue bonds for school purposes.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 213. A bill for an act to amend sections 25 and 26 of article 2 of the city charter of Jamestown, Dakota.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 214. A bill for an act entitled an act appropriating funds for plumbing, etc.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 215. A bill for an act to provide justices of the peace with the justice court practice civil and criminal.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 216. A bill for an act to amend section 2 of chapter 1 of the charter of the city of Grafton, extending the boundaries of said city and relating to the election of justices of the peace and for other purposes.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 217. A bill for an act to provide for funding the outstanding indebtedness of Sully county.

Which was read the first time.

Mr. McLaughlin moved

That the rules be suspended, and that

Council Bill No. 206. A bill for an act to provide for the issue of bonds to aid in the construction of a court house and jail for the county of Walsh, Territory of Dakota.

Be given its first, second and third readings and put upon its final passage.

Which motion prevailed.

Council Bill No. 206

Was read the first, second and third times and put upon its final passage.

The roll being called, there were ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Duncan voted in the negative.

Absent and not voting:

Messrs. Cameron, Walsh.

So the bill passed and its title was agreed to.

Mr. Kennedy moved

That the rules be suspended and that

Council Bill No. 210

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 210 was then

Read the second time, and referred to the committee on Counties.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 94

Read the second time, and referred to the committee on Revenue.

Council Bill No. 176

Read the second time and referred to the committee on Appropriations.

Council Bill No. 178

Read the second time and referred to the committee on Judiciary.

Council Bill No. 179

Read the second time and referred to the committee on Judiciary.

Council Bill No. 181

Read the second time, and referred to the committee on Revenue.

• Council Bill No. 184

Read the second time and referred to the committee on Federal Affairs.

Council Bill No. 186

Read the second time and referred to the committee on Appropriations.

Council Bill No. 187

Read the second time and referred to the committee on Judiciary,

Council Bill No. 188

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 189

Read the second time and referred to the committee on Judiciary.

Council Bill No. 182

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 183

Read the second time and referred to the committee on Education.

Council Bill No. 180

Read the second time and referred to the committee on Education.

Mr. Pettigrew asked unanimous consent to make a report at this time, and there being no objection, the report was received as follows:

MR. PRESIDENT:

Your committee on Appropriations, to whom was referred

Council Bill No. 170,

Have had the same under consideration, and report back a substitute and recommend that the substitute do pass.

R. F. PETTIGREW,
Chairman.

The President announced that the hour for the special consideration of

Council Bill No. 140

Had arrived.

Mr. Nickeus moved

That the special order for the day be postponed until Monday next at 11 o'clock a. m. of said day.

Which motion prevailed.

Mr. Jones moved

That the Council do now proceed to take up Council Bill No. 73 for consideration.

Which motion prevailed.

Also,

That the report of the Committee of the Whole upon Council Bill No. 73 be adopted.

Which motion prevailed.

Also,

That Substitute Council Bill No. 73

As amended, be referred to the committee on Engrossed and Enrolled Bills, with instructions to have the same engrossed, and that the bill after engrossment be printed, and that the same be made the special order for Tuesday at 2 o'clock p. m.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 122. A bill for an act to vacate certain portion of the townsite of Oriska.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Gamble, LaMoure, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 132. A bill for an act authorizing the treasurer of Traill county to transfer certain funds into the county fund.

Was read the third time and put upon its final passage. The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Gamble, LaMoure, McLaughlin, Richardson.

So the bill passed and its title was agreed to.

Council Bill No. 167. A bill for an act to authorize the county commissioners of Union county to fund the outstanding indebtedness of said county.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Richardson.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, February 14, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the

House of Representatives has had under consideration Council Bill No. 32. A bill for an act in relation to the bonds and coupons issued by the township of Elk Point, Union county, Dakota, together with its amendments.

And that the House has concurred in and passed said bill and its amendments.

Which is herewith returned

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Duncan moved

That the Council concur in the
House amendments to
Council Bill No. 32.

Which motion prevailed.

Council Bill No. 87. A bill for an act supplementary to chapter 28, of the Political Code, entitled Revenue, and to authorize the bringing of suits for the recovery of delinquent taxes and to regulate proceedings therein.

Was read the third time.

Mr. Heutson moved

As an amendment to

Strike out the word and figures "two (2)," where they occur in section 14, and insert in lieu thereof the word "one (1)."

Which motion prevailed.

The roll being called upon the passage of the bill, as amended there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Cameron, Flittie, Jones, Natwick, Nickeus, Pettigrew, Walsh.

So the bill passed as amended, and its title agreed to.

Mr. Nickeus asked that unanimous consent be given and that the vote by which

Council Bill No. 163

Was passed, be considered as reconsidered.

There being no objection, it was so ordered.

Council Bill No. 139. A bill for an act establishing Independent School District No. 3, Lake county, Dakota.

Was read the third time.

Mr. Bowdle moved

That the rules be suspended and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called on the passage of the bill as amended, there were ayes, 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Ausin, Cameron, Flittie, Jones, Natwick, Pettigrew, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 111. A bill for an act to amend section 5 of chapter 13 of the Laws of 1879, concerning the blind.

Was read the third time.

Mr. Gamble moved

That the report of the committee thereon be adopted.

Which motion prevailed.

Mr. Twomey moved

That the word "thereto" be stricken out, and insert in lieu thereof, "so to do."

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Gamble, Huetson, Kennedy, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Jones, LaMoure, McLaughlin, Natwick, Pettigrew, Wagner, Walsh.

So the bill passed, and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, February 14, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has had under consideration and passed the following bills:

House Bill No. 5. A bill for an act to define the boundaries of Kidder county, and other purposes.

Also,

House Bill No. 27. An act providing for the recording of the official bonds of civil officers.

Also,

House Bill No. 45. A bill for an act to establish a public highway on the county line between the counties of Yankton, Turner and Clay.

Also,

House Bill No. 80. A bill for an act relating to fees for the service of legal process.

Also,

House Bill No. 85. A bill for an act authorizing the county boards to purchase the Dakota Justice Court practice, civil and criminal, for justices of the peace.

Also,

House Bill No. 21. A bill for an act to amend sections 12 and 21 of chapter 112 of the Laws of 1883.

Also,

House Bill No. 128. A bill for an act locating the county seat of Brule county.

Also,

House Bill No. 115. A bill for an act to locate the county seat of Turner county.

Also,

House Bill No. 194. A bill for an act to establish nine county commissioner districts in the county of Brown.

All of which are herewith transmitted, and a concurrence in the same by the council is respectfully requested.

I am also requested to announce that the House has had under consideration

Council Bill No. 79. A bill for an act to amend section 3 of chapter 63 of the laws of 1883, in which the House did not concur and the said bill was lost.

That the House had under consideration and did concur in and pass the following bills :

Council Bill No. 53. A bill for an act entitled an act to repeal section 5 of chapter 31 of the session laws of 1883.

Also,

Council Bill No. 98. A bill for an act to define the boundaries of Wells county.

Also,

Council Bill No. 126. A bill for an act to repeal section

2 and amend section 12 of chapter 104 of the session laws of 1881.

All of said bills are herewith returned.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Council Bill No. 119. A bill for an act to amend section 66 of chapter 29 of the Political Code.

Was read the third time.

Mr. Smedley moved—

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill there were ays 14, nays 8.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Flittie, Gamble, Jones, Kennedy, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Farmer, Huetson, LaMoire, McLaughlin, Natwick, Nickeus, Richardson, Wells.

Absent and not voting:

Messrs. Cameron and Walsh.

So the bill passed and its title was agreed to.

Mr. Gamble moved—

That the vote on

Council Bill No. 119. A bill for an act to amend section 66 of chapter 29 of the political code.

Be reconsidered for the purpose of amendment.

Which motion prevailed

And the passage of said bill was reconsidered.

Council Bill No. 129. A bill for an act to authorize School District No. 8 Cass county to issue bonds to build school house.

Was read the third time.

Mr. Twomey moved—

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Cameron, Nickeus, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 165. A bill for an act entitled an act to amend section 656 of the Civil Code.

Was read the third time.

Mr. Bowdle moved—

That the report of the committee be adopted.

Which motion prevailed.

The roll being called, upon the final passage of the bill there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Farmer, Nickeus, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 83. A bill for an act to amend section 15 chapter 21 Revised Code.

Was read the third time.

Mr. Gamble moved that the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. McLaughlin voted in the negative.

Absent and not voting:

Messrs. Cameron, Nickeus, Richardson, Walsh.

Mr. Twomey moved

That the roll be corrected so that Mr. Walsh's name appear in its proper place.

Which motion prevailed.

So the bill passed and its title was agreed to.

Council Bill No. 43. A bill for an act entitled an act to provide for compensation of persons other than officers for the service of summons and subpoenas in this Territory.

Was read the third time.

Mr. Twomey moved

That the report of the committee be received and concurred in.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 3; nays 17.

Those who voted in the affirmative were:

Messrs. Farmer, Pettigrew, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Twomey, Washabaugh, Wells.

Absent and not voting:

Messrs. Cameron, Nickeus, Richardson, Wagner, Walsh.

So the bill was lost.

Council Bill No. 154. A bill for an act to authorize School District No. 7, Cass county, to issue bonds to build a school house.

Was read the third time.

Mr. Bowdle moved

That the rules be suspended, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin.

Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Cameron, Nickeus, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 175. A bill for an act to vacate the town of Denton, Sanborn county, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Cameron, Nickeus, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 173. A bill for an act to vacate Hammer's second addition to the city of Mitchell.

Was read the third time.

Mr. Bowdle moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 13; nays 2.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Natwick, Pettigrew, Twomey, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Wagner.

Absent and not voting:

Messrs. Cameron, Gamble, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Wells, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 34. A bill for an act to amend sections 112 and 113 of the Justice Code.

Was read the third time.

Mr. Natwick moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Gamble moved

That further consideration of
Council Bill No. 34

Be indefinitely postponed

Which motion prevailed.

Council Bill No. 159. A bill for an act entitled an act to amend section 82 of article 7 of an act entitled an act to incorporate the city of Grand Forks, D. T.

Was read the third time.

Mr. Gamble moved

That the further consideration of this bill be passed and that it come up in its order,

Which motion prevailed.

Council Bill No. 161. A bill for an act to amend section 6 of article 2 of chapter 1 of the Justice Code.

Was read the third time.

Mr. Pettigrew moved

That further consideration of said bill be indefinitely postponed.

Which motion prevailed.

Council Bill No. 108. A bill for an act to amend section 3 of the Political Code.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Bowdle voting in the negative.

Absent and not voting:

Messrs. Cameron, Day, Flittie, Nickets, Richardson and Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 143. A bill for an act entitled an act to amend section 343, chapter 2, of title 8 of the Code of Criminal Procedure.

Was read the third time.

Mr. McLaughlin moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Council Bill No. 160. A bill for an act entitled an act to amend section 92 of the Justice Code as amended by chapter 31 of the Session Laws of 1883.

Was read the third time.

Mr. Smedley moved

That the further consideration of the said bill be indefinitely postponed.

Which motion prevailed.

Council Bill No. 75. A bill for an act creating the county of Marshall and defining the boundaries of Day county.

Was read the third time.

Mr. Gamble moved

That the further reading of the bill be dispensed with and the bill

Put upon its final passage.

Which motion prevailed.

The roll being called, there were ayes 16; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Smedley, Twomey, Wagner, Wells, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Cameron, Duncan, LaMoure, McLaughlin, Nick-ous, Richardson, Walsh.

So the bill passed, and its title was agreed to.

Council Bill No. 190. A bill for an act providing a new charter for the city of Fargo.

Was read the third time.

Mr. Twomey moved
That the report of the committee be adopted and the amendments concurred in.

Which motion prevailed.

Mr. Smedley moved
That the rules be suspended and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays none.

Those who voted in the affirmative were:
Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:
Messrs. Cameron, Duncan, Nickeus, Richardson, Smedley, Walsh.

So the bill passed, and its title was agreed to.

Mr. Farmer moved:
That the rules be suspended and that
Council Bill No. 199
Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 199

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 66. A bill for an act to amend chapter 30 of the Political Code, revised 1877, of the Territory of Dakota and making an annual appropriation to provide for the maintenance of the militia.

Was read the third time.

Mr. Bowdle offered the following amendment:
Add after the word "armory" at the close of section 3 the following: "Provided however, that compensation shall not be allowed to more than one company in any county. The Governor may divide the compensation between two companies where the same have already been organized."

Which was adopted.

Mr. Smedley moved
The adoption of the report thereon of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes 11; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Jones, Kennedy, Natwick, Pettigrew, Smedley, Twomey, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, LaMoure, McLaughlin, Wagner, Washabaugh.

Absent and not voting:

Messrs. Cameron, Farmer, Flittie, Gamble, Nickeus, Richardson, Wells, Walsh.

So the bill passed and its title was agreed to.

On motion of Mr. Bowdle

The Council adjourned until Monday next.

A. W. HOWARD,
Chief Clerk.

THIRTY-FIFTH DAY.

BISMARCK, Monday, February 16, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called the following members were absent:

Messrs. Duncan, McLaughlin, Nickeus, Wagner, Wells.

Messrs. Nickeus and Wells being excused.

Journal of previous day read, corrected and approved.

PETITIONS AND COMMUNICATIONS.

The President laid before the Council a communication from the citizens of Grand Forks pertaining to grain and grain grading.

Which was read and referred to the committee on Grain and Grain Grading.

INTRODUCTION OF BILLS.

Mr. LaMoure introduced—
Council Bill No. 219. A bill for an act to authorize the county commissioners of Turner county to fund indebtedness.

Which was read the first time.

Mr. Day introduced—
Council Bill No. 220. A bill for an act relocating the county seat of Spink county at Ashton.

Which was read the first time.

Mr. Natwick introduced—
Council Bill No. 221. A bill for an act in relation to vacating townsites.

Which was read the first time.

Mr. Gamble asked unanimous consent to move that The President be elected an ex-officio member of the Judiciary committee.

Which motion prevailed.

Mr. LaMoure moved
That the rules be suspended and that
Council Bill No. 219

Be passed to its second reading.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 194,
Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 191
Read the second time, and referred to the committee on Judiciary.

Council Bill No. 192,
Read the second time and referred to the committee on Judiciary.

Council Bill No. 193
Read the second time, and referred to the committee on Appropriations.

Council Bill No. 195

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 196

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 219

Read the second time and referred to the committee on Counties.

Mr. Pettigrew, asked unanimous consent to introduce Council Bills Nos. 222 and 223

At this time.

There being no objection the same were received.

THIRD READING OF COUNCIL BILLS.

Substitute for Council Bills Nos. 149 and 150. A bill for an act to amend the charter of the city of Grafton, relating to the condemnation of lands for public purposes, and for liquor licenses.

Was read the third time as amended.

Mr. Walsh moved

That the rules be suspended and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Flittie, Jones, LaMoure, Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 159. A bill for an act entitled an act to amend section 82 of article 7, of an act entitled an act to incorporate the city of Grand Forks, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie,

Gamble, Huetsen, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Jones, Nickeus, Richard-son, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 168. A bill for an act changing the incorporate limits of the city of Redfield.

Was read the third time.

Mr. Day moved that

Council Bill No. 168

Be recommitted to the committee on Cities and Municipal Corporations.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 71, 194, 131, 129, 5, 27, 46, 80, 85, 95, 115, 194.

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 76

Read the second time and referred to the committee on Public Health.

THIRD READING OF HOUSE BILLS.

House Bill No. 84. A bill for an act to vacate the town-site of Belmont, Traill county, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 2.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Flittie, Gamble, Huetsen, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan and Wagner.

Absent and not voting:

Messrs. Austin, Bowdle, Farmer, Jones, Nickeus, Richardson, Washabaugh, Wells.

So the bill passed and its title was agreed to.

Mr. Cameron asked unanimous consent to have

Council Bill No. 83

Referred to the committee on Education instead of Judiciary.

There being no objection it was so referred.

SPECIAL ORDER.

The President announced that the hour had arrived for the special order for the consideration of

Council Bill No. 140. Which was then taken up and considered.

Council Bill No. 140. A bill for an act providing for the organization of new counties.

Was then read the third time.

Mr. Gamble moved the adoption of the following amendment, viz:

To amend section 10 of printed bill by inserting after the word "law," where it occurs in the fifth line of said section, the following: And also that he is not and will not in any way or manner be directly or indirectly interested in the location of any county seat in said county, and will not be so interested therein, and is not the owner of any land or interest therein situated in said county.

Which was adopted.

Mr. Gamble moved

To strike out the words "the sheriff," in section 24.

Which motion prevailed.

Mr. Smedley moved

The adoption of the following amendment to section 4, viz:

"Provided that until the county seat of any such county has been located at a greater distance than one mile from a depot to which a railroad is finished and cars running, such county may change the county seat at any general or annual election, if a majority of the legal voters of the county vote for any one place, and that the commissioners of the county shall submit said vote upon a petition of a majority of the qualified voters of the county."

Which motion was lost.

Mr. Flittie moved

To amend by

Striking out the word "fifty," where it first occurs in section 1.

Which motion did not prevail.

The roll being called on the final passage of the bill, as amended, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Richardson, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Nickeus, Pettigrew, Smedley, Wells.

So the bill passed and its title was agreed to.

Mr. Richardson asked

Unanimous consent to make a report at this time, and there being

No objection,

The report was received and read.

BISMARCK, Dak., February 16, 1885.

MR PRESIDENT:

Your committee on Enrollment to whom was referred Council Bills Nos. 147 and 10,
Beg leave to report the same back as correctly enrolled.

Also,

Council Bills Nos. 165, 111 and 108,

Beg leave to report the same back as correctly engrossed.

Very Respectfully,

CHARLES RICHARDSON,

Chairman.

THIRD READING OF HOUSE BILLS.

The third reading of House bills

Was then resumed, the Special Order of the morning having been completed.

House Bill No. 109. A bill for an act to establish a portion of the school township of Denver, in Kingsbury county, Dakota, also a portion of the school townships of Windsor and Bangor, in Brookings county, Dakota, as an independent school district, to be designated as Independent School District No. 1, of Kingsbury county, Dakota.

Was read the third time.

Mr. Natwick moved

That the rules be suspended, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, upon the final passage of the bill there were, ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Natwick, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, Nickeus, Pettigrew, Wagner, Wells.

So the bill passed and its title was agreed to.

House Bill No. 72. A bill for an act providing for the construction of a court house in Edmunds county, Dakota Territory.

Was read the third time.

Mr. Huetson moved the adoption of the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes, 18; nays none,

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoire, McLaughlin, Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

House Bill No. 56. A bill for an act authorizing the county commissioners of Richland county to issue bonds of said county for the purpose of paying certain indebtedness thereof.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

House Bill No. 45. A bill for an act to amend section 47. of chapter 27, of the Political Code, entitled elections.

Was read the third time.

Mr. Twomey moved—

The adoption of the report of the committee.

Which motion prevailed.

Mr. Walsh moved

To strike out 60 and insert 30; also 20 and insert 10

Which motion was lost.

The roll being called upon the final passage of the bill there were ayes, 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Mr. Walsh voting in the negative.

Absent and not voting :

Messrs. Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

House Bill No. 96. A bill for an act authorizing county commissioners of Ramsey county to issue bonds for roads and bridges not to exceed \$5,000.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Huetsen voting in the negative.

Absent and not voting:

Messrs. Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

House Bill No. 44. A bill for an act to amend section 24, chapter 59 of the Session Laws of 1879.

Was read the third time.

Mr. Huetson moved—

That the bill be recommitted to the committee on Counties.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

BISMARCK, February 16, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has had under consideration

House Bill No. 82. A bill for an act to amend section 53 of chapter 44 of laws of 1883 and to provide what fund money paid into the county treasury for license to sell intoxicating liquors shall be applied. And to which the council made on amendment.

That the House has failed to concur in the same and respectfully ask that a committee of conference be appointed to consider said bill and its amendments with a like committee from the House.

I am also requested to announce that the House of Representatives respectfully request a return of

Council Bill No. 126. A bill for an act to repeal section 2 and amend section 12 of chapter 104, Session Laws 1881, and which was transmitted to the House on the 14th inst.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Pettigrew asked unanimous consent that the request of the House for the return of

House Bill No. 126

Be granted.

There being no objection, the President so ordered.

Mr. Smedley moved

That the Council take a recess until this afternoon at 2 p. m.

There being no objection, it was so ordered.

AFTERNOON SESSION.

The President called the Council to order at 2 o'clock p. m.

Quorum present.

Mr. Bowdle moved

To suspend the rules and take up
Council Bill No. 170

And put it upon its third reading and final passage.

There being no objection,

The President so ordered.

Council Bill No. 170. A bill for an act to provide for funds to erect and furnish a main building for juvenile offenders, at Plankinton, D. T.

Was read the third time as amended.

Mr. Bowdle moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 20; nays 1.^a

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Mr. President.

Mr. Washabauh voting in the negative.

Absent and not voting:

Messrs. LaMoure, Wells, Walsh.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has considered and passed

House Bill No. 69. A bill for an act to amend section 91 of chapter 21 of the Political Code.

Also,

House Bill No. 203. A bill for an act authorizing the secretary of the Territory to purchase fuel for heating the Capitol building.

Which are herewith transmitted, and a concurrence in the same by the Council is respectfully requested.

Very respectfully,

C. M. REED,
Chief Clerk House.

Mr. Westover asked unanimous consent to introduce and have read the first time,
Council Bill No. 223.

There being no objection, it was received and read.

Council Bill No. 223. A bill for an act to amend and supplementary to an act entitled an act to provide for building a court house and jail in Hamlin county, and for other purposes, passed at the 16th session of the Legislative Assembly of the Territory of Dakota, and known as Council Bill No. 134.

Was read the first time.

Mr. Westover moved

That the rules be suspended, and that
Council Bill No. 223

Be given its second and third readings and put upon its final passage.

There being no objection, it was so ordered.

Council Bill No. 223

Read the second and third times and put upon its final passage.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure and Wells.

So the bill passed and its title was agreed to.

House Bill No. 38. A bill for an act entitled an act to incorporate the village of Webster.

Was read the third time.

Mr. Westover moved

That the rules be suspended, and that the further reading of said bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Absent and not voting:

Messrs. LaMoure, McLaughlin, Nickeus, Pettigrew, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 89. A bill for an act to amend section 1 of chapter 62 of the Special Laws of 1881.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Absent and not voting:

Messrs. Bowdle, Kennedy, LaMoure, McLaughlin, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 61. A bill for an act fixing the per diem and mileage of the county commissioners of Custer and Pennington counties.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 5.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Flittie, Gamble, Jones, Kennedy, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Those who voted in the negative were:

Messrs. Austin, Farmer, Huetson, Nickeus, Richardson.

Absent and not voting:

Messrs. Bowdle, Duncan, LaMoure, McLaughlin, Wells, Mr. President.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 116. A bill for an act to amend section

5, of chapter 33, of the Special Laws of 1883, relating to county commissioners,

Read the third time as amended.

Mr. Gamble moved the adoption of the report of the committee thereon.

Which motion prevailed.

The roll being called on the final passage of the bill as amended, there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabauh, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, Wells.

So the bill passed and its title was agreed to.

Mr. Cameron moved

That the rules be suspended and that

Council Bill No. 185

Be taken up and put upon its final passage.

Which motion prevailed.

Council Bill No. 185. A bill for an act to incorporate the city of Madison, Dakota.

Was read the third time.

Mr. Natwick moved

That the rules be suspended, and the further reading of the bill be dispensed with,

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble, LaMoure, Wells.

So the bill passed and its title was agreed to.

SPECIAL ORDERS.

The President announced that the hour had arrived for the consideration of Council Bill No. 92,

Made the special order for to-day at 3 o'clock p. m.

Mr. Kennedy presented a petition from the citizens of the 7th Legislative District, favoring the passage of Council Bill No. 92.

Mr. Kennedy moved
That the enacting clause of
Council Bill No. 92,
Be stricken out.

Which motion prevailed.

Mr. Pettigrew moved
That the vote to strike out the enacting clause of
Council Bill No. 92
Be reconsidered, and the vote to reconsider be laid upon
the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 79. A bill for an act to amend section 468 of the Code of Civil Procedure.

Was read the third time.

Mr. Gamble moved
That the report of the committee thereon be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Nickeus, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Natwick, Pettigrew, Richardson, Wells, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 62. A bill for an act providing for the collection of family expenses and other debts.

Was read the third time.

Mr. Twoney moved

That the report of the committee thereon be concurred in.

Which motion prevailed.

Mr. Jones moved

That the consideration of
House Bill No. 62

Be indefinitely postponed.

Which motion prevailed.

Also,

To reconsider the vote previously taken, and that the vote to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 88. A bill for an act relating to proofs of the existence of corporations in civil actions.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wells, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 91. A bill for an act to amend chapter 22 of the Political Code.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 11; nays, 5.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, Pettigrew.

Those who voted in the negative were:

Messrs. McLaughlin, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Duncan, LaMoure, Natwick, Nickeus, Richardson, Smedley, Wells Walsh.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved

That the rules be suspended and that

Council Bill No. 202

Be taken up and put upon its final passage.

There being no objection

It was so ordered.

Council Bill No. 202. A bill for an act granting a charter to the city of Columbia.

Was read the third time.

Mr. Twoney moved

That the rules be suspended and that

The further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Duncan, LaMoure, Natwick, Nickeus, Smedley, Wells, Walsh.

So the bill passed, and its title was agreed to.

Mr. Flittie moved

That the Council adjourn.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

THIRTY-SIXTH DAY.

BISMARCK, Tuesday, February 17, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Day, Richardson, Wells.

The Journal of the previous day read, corrected and approved.

Mr. Bowdle asked unanimous consent to have a clerical error corrected in

Council Bill No. 170

Corrected by the chief clerk.

There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee upon Territorial Affairs have had Council Bill No. 13

Under consideration, and report the same back with recommendations that it do not pass.

GEORGE R. FARMER,
Chairman.

MR. PRESIDENT:

Your committee on Highways, Bridges and Ferries, to whom was referred

House File No. 127,

Have had the same under consideration, and beg leave to

report the same back with recommendations that the bill do pass.

W. B. CAMERON,
Chairman.

INTRODUCTION OF BILLS.

Mr. Westover introduced—

Council Bill No. 255. A bill for an act to improve the public school system of the city of Pierre.

Which was read the first time.

Also,

Council Bill No. 226. A bill for an act to amend section 422 of the Code of Civil Procedure.

Which was read the first time.

Also,

Council Bill No. 227. A bill for an act to amend section 511 of the Code of Civil Procedure.

Which was read the first time.

Also,

Council Bill No. 228. A bill for an act to provide for taking depositions in criminal cases.

Which was read the first time.

Mr. Farmer introduced—

Council Bill No. 229. A bill for an act establishing the Independent School District of Conova, Miner county, Dakota Territory.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 230. A bill for an act to extend and connect certain streets in the town of Madison, Lake county, Dakota Territory.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 231. A bill for an act to authorize the directors of the penitentiary at Sioux Falls to make a contract with the United States for the care of the United States prisoners, and to rent the United States wing to said penitentiary.

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 232. A bill for an act to repeal

sections 58 and 59, chapter 21, Political Code, and for other purposes.

Which was read the first time.

Mr. Smedley introduced—

Council Bill No. 233. A bill for an act to incorporate the city of Milbank.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 234. A bill for an act to fund the road and bridge indebtedness of Stutsman county, and providing for the issue and sale of bonds to pay the same.

Which was read the first time.

Mr. Nickeus moved

That the rules be suspended and that Council Bill No. 234

Be taken up and given its first and second readings and referred to the committee on Counties.

There being no objection the bill was given its first and second readings and was so referred.

Mr. Walsh introduced—

Council Bill No. 235. A bill for an act to amend sections 7 and 15, of chapter 39, of the Civil Code.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Gamble moved

That the Council recede from their amendment to House Bill No. 126.

Which motion prevailed.

SPECIAL ORDERS.

The President announced that the hour for the special consideration of

Council Bill No. 156

Made the special order for to-day, at 11 o'clock a. m., had arrived, and the Council went into consideration of the same.

Mr. Twomey moved—

That the report of the committee thereon be adopted.

Which motion prevailed.

Council Bill No. 156. A bill for an act to revise and amend article 11 of the Civil Code.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Flittie, Gamble, Huetson, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Mr. Kenneey voting in the negative.

Absent and not voting:

Messrs. Day, Farmer, Jones, Richardson, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. LaMoure asked unanimous consent to make a report at this time.

There being no objection it was received and read as follows:

BISMARCK, February 17, 1885.

MR. PRESIDENT:

Your committee upon Cities and Municipal Corporations beg leave to report that they have had
Council Bill No. 199

Under advisement, and report the same back with recommendations that it do pass.

JUDSON LAMOURE,
Chairman.

Mr. Smedley moved—

That the rules be suspended and that
Council Bill No. 233

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 233

Read the second time and referred to the committee on Cities and Municipal Corporations.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 19

Read the second time and referred to the committee on Judiciary.

Council Bill No. 198

Read the second time and referred to the committee on Railroads.

Council Bill No. 200

Read the second time and referred to the committee on Revenue.

Council Bill No. 201.

Read the second time and referred to the committee on Judiciary.

Council Bill No. 203

Read the second time and referred to the committee on Judiciary.

Council Bill No. 205

Read the second time and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 13. A bill for an act entitled an act in relation to the election of county treasurers, prescribing their duties and regulating their fees and salaries.

Was read the third time.

Mr. Washabaugh moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 7; nays 14.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Kennedy, LaMoure, McLaughlin, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Austin, Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Flittie, Richardson, Wells.

So the bill was lost.

Council Bill No. 199. A bill for an act to incorporate the village of Howard, in Miner county, and to repeal former acts of incorporation of said village.

Was read the third time.

Mr. Farmer moved

That the rules be suspended and that the further reading of

Council Bill No. 199

Be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Richardson, Wells.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 171. A bill for an act to amend section 2115 of the Code of Civil Procedure of the Territory of Dakota.

Was read the third time.

Mr. Jones moved

That the report of the committee thereon be adopted.

Which motion prevailed.

Mr. Gamble moved

That the title to

Council Bill No. 171

Be amended by striking out the words "Civil Procedure" and insert the word Civil before the word Code.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Gamble, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Austin and Twomey.

Absent and not voting:

Messrs. Farmer, Flittie, Richardson, Wells.

So the bill passed, and its title was agreed to.

Substitute for

Council Bill No. 107. A bill for an act to amend section 47 of the Justice Code of the Territory of Dakota.

Was read the third time.

Mr. Nickeus moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Richardson, Wells.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 69, 128, 203

Were read the first time.

Mr. Bowdle moved

That the rules be suspended and that

House Bill No. 128

Be passed to its second reading.

Ayes and nays called for on the question.

The roll being called, there were, ayes 13; nays 9.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Flittie, Huetson, Kennedy, LaMoure, McLaughlin, Nickeus, Smedley, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Jones, Natwick, Pettigrew, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Richardson and Wells.

So the motion was lost.

SECOND READING OF HOUSE BILLS.

House Bill No. 144

Read the second time and referred to a special committee from the Twelfth Legislative District.

House Bill No. 131

Read the second time and referred to the committee on Judiciary.

House Bill No. 129

Read second time and referred to the committee on Judiciary.

House Bill No. 5

Read the second time and referred to the committee on Counties.

House Bill No. 27

Read the second time and referred to the committee on Judiciary.

House Bill No. 46

Read the second time and referred to the committee on Highways, Roads and Bridges.

House Bill No. 80

Read the second time, and referred to the committee on Judiciary.

House Bill No. 85

Read the second time and referred to the committee on Judiciary.

House Bill No. 71

Was read the second time.

Mr. Jones moved that it

Be referred to the committee on Elections.

Mr. Nickeus moved

As an amendment that the word "elections" be stricken out and insert in lieu thereof "special committee of five to be appointed by the President."

Ayes and nays being called.

The roll being called, there were, ayes 8; nays 13.

Those who voted in the affirmative were:

Messrs. Day, Huetson, Kennedy, LaMoure, Nickeus, Smedley, Wagner, Washabaugh.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Jones, McLaughlin, Natwick, Pettigrew, Twomey, Walsh.

Absent and not voting:

Messrs. Richardson, Wells.

So the amendment was lost.

The question then recurred upon the original motion and was carried.

House Bill No. 71

Read the second time and referred to the committee on Elections.

House Bill No. 95

Read the second time and referred to the committee on Elections.

House Bill No. 115

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 194

Read the second time and referred to the committee on Counties.

Mr. Smedley moved

That a recess be taken until 2 o'clock p. m. to-day.

There being no objection the President so ordered.

Mr. Smedley moved

That when the Council adjourn it adjourn until to-morrow at 2 o'clock p. m., and that the special order for this afternoon at 2 o'clock p. m. be made the special order for that time.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 127. A bill for an act establishing a winter road in the counties of Grand Forks and Walsh.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Farmer, Richardson, Wells.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 44. A bill for an act to amend section 74, chapter 59, of the Session Laws of 1879, relating to building bridges under township organization.

Was read the third time.

Mr. Huetson moved that the substitute to House Bill No. 44

Be referred to the Judiciary committee.

Which motion prevailed.

Mr. Nickeus moved

The Council do now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

THIRTY-SEVENTH DAY.

BISMARCK, Wednesday, February 18, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, the following members were absent:

Messrs. Gamble, Kennedy, LaMoure, Wells, Walsh.

Mr. Walsh being excused.

Journal of previous day read, corrected and approved.

SPECIAL ORDERS.

The President announced that the hour had arrived for the consideration of

Substitute for

Council Bills No. 25 and 73, and

House Bill No. 8.

Mr. Smedley moved

That the blank place in section 6 after \$ be filled by inserting 2,000.

Ayes and nays were called for on the question and

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Mr. McLaughlin voting in the negative.

Absent and not voting:

Messrs. Gamble, Kennedy, LaMoure, Wells, Walsh.

Mr. Nickeus moved

To amend by striking out the words "load the same" in line two of section 10, and insert in lieu thereof "permit the same to be loaded."

Which motion prevailed.

Mr. Jones moved.

To amend by transposing the words "in car load lots" where they occur in line 12 of section 10, so that they will appear after the word "sleighs" in same line.

Which motion prevailed.

Mr. Richardson moved

To amend by adding at the end of section 10 the following, viz:

"Nothing contained in this act shall be construed to require any railroad company to furnish cars to be loaded directly from wagons and sleighs, when the effect of so doing would be to prevent the reception of grain from the public by any public elevator or warehouse upon the railroad of such company."

Mr. McLaughlin moved

An amendment to the amendment by inserting after the word "effect" the following words, viz: "at the time."

Which motion was lost.

Ayes and nays being called upon the adoption of the original motion, and

The roll being called, there were, ayes 4; nays 17.

Those who voted in the affirmative were:

Messrs. LaMoure, Nickeus, Richardson, Twomey.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Wagner, Mr. President.

Absent and not voting:

Messrs. Washabaugh, Wells, Walsh.

And so the amendment was lost.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 18, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 134

An act to provide for building a court house and jail in Hamlin county, and for other purposes.

GILBERT A. PIERCE,
Governor.

Substitute for

Council Bills Nos. 25 and 73, and House File No. 8, were then put upon their final passage.

The roll being called, there were, ayes 22; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Wells, Walsh.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, D. T., February 18, 1885.

MR PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has had under consideration

Council Bill No. 158. A bill for an act to amend an act to incorporate the city of Sioux Falls, to which the House made amendments.

Also,

Council Bill No. 126. A bill for an act to repeal section 2 and amend section 12 of chapter 104 of the Session Laws of 1881, to which the House made an amendment.

Also,

Council Bill No. 224. A bill for an act to amend and supplementary to an act entitled, "An act to provide for building a court house and jail in Hamlin county, and for other purposes, which the House passed without amendment.

All of said bills and amendments are herewith transmitted, and a concurrence thereto by the Council is respectfully requested.

Also,

House Bill No. 21. A bill for an act to amend certain sections of part 2, chapter 13 of the Code of Civil Procedure, subject, "exemptions."

With an amendment thereto.

Also,

House Bill No. 87. A bill for an act to create a new sub-division of the sixth judicial district.

Also,

House Bill No. 119. A bill for an act amending sections 389, 390 and 416 of the Civil Code.

Also,

House Bill No. 137. A bill for an act to amend section 20 of chapter 39 of the Political Code, in relation to jurors' fees in justice courts.

Also,

House Bill No. 146. A bill for an act to amend section 569 of the Civil Code.

Also,

House Bill No. 155. A bill for an act to incorporate the city of Spearfish.

Also,

□ House Bill No. 161. A bill for an act to authorize the commissioners of Deuel county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 165. A bill for an act to legalize the acts of J. B. Hall, a notary public.

Also,

House Bill No. 219. A bill for an act supplemental to an act to legalize a certain ordinance of the town of Wahpeton, providing for the establishment of waterworks and to legalize the issue of certain bonds thereunder.

All of said bills are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Smedley moved
That the vote by which the substitute for
Council Bills Nos. 25, 73 and House File No. 8
Was carried be reconsidered, and the motion to recon-
sider be laid upon the table.

Which motion prevailed

Mr. Pettigrew moved
That the Council concur in
House amendments to
Council Bill No. 126.
Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Westover presented a petition from the citizens of
Pierre pertaining to the education of the children of the
Sioux Indians, and moved

That the petition be referred to the committee on Edu-
cation,

And they be requested to draw a memorial to Congress
to conform to their request.

Which motion prevailed.

Mr. Twomey presented the following communication :

*To the Honorable Members of the Territorial Council and
House of Representatives and Officers of the Sixteenth Leg-
islative Assembly:*

The Mayor and City Council of the city of Fargo respect-
fully request your attendance at a banquet tendered to
your honorable bodies by said city, to be given on Saturday
of this week.

Very Respectfully,

D. H. TWOMEY.

Mr. Gamble moved
That the invitation be accepted.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Natwick, chairman of the committee on Federal
Affairs submitted the following report :

MR. PRESIDENT:

Your committee on Federal Affairs to whom was re-
ferred

Council Bill No. 184. A bill for a Memorial to Congress for an appropriation to improve the navigation of the James River from Columbia, Brown county, to LaMoure, LaMoure county, Dakota.

Have had the same under consideration and beg leave to offer a substitute with the recommendation that the substitute do pass.

Very respectfully,

H. H. NATWICK,
Chairman.

Mr. Gamble moved—

That the report of the committee be adopted.

Which motion prevailed.

Mr. Natwick moved

That the rules be suspended and that

Council Bill No. 184

Be given its third reading and placed upon its final passage.

Which motion prevailed.

Council Bill No. 184. A bill for a Memorial to Congress for an appropriation to improve the navigation of the James River from Columbia, Brown county, to LaMoure, LaMoure county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Duncan, Wells, Walsh.

So the memorial passed and its title was agreed to.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 142.

Have had the same under consideration and beg leave to report the following substitute, and recommend that it do pass.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations have had under consideration

Council Bill No. 61.

And have instructed me to report the same back with an amendment reducing the amount appropriated to \$45,000, and as amended recommend its passage.

R. F. PETTIGREW,
Chairman.

Mr. Huetsen, from the committee on Appropriations, submitted the following minority report on
Council Bill No. 61

To the President of the Council:

The undersigned, a member of your committee on Appropriations, to whom was referred

Council Bill No. 61,

Being an act to provide funds for the building of an Agricultural College at Fargo, Dak., and furnishing the same, begs leave to dissent from the opinion of the gentlemen comprising the majority of said committee, and respectfully submit the following minority report, and the reasons therefor:

FIRST.—All of the Territorial Institutions, with but few exceptions, are located on the extreme eastern boundary of the Territory, which is not a fair distribution of these institutions, and unjust to the balance of the Territory.

SECOND.—We have now built, or in process of completion, five educational institutions, built by the Territory, which is as many as some of the States have, and which will be sufficient for many years to come for the needs of this Territory.

THIRD.—The great demand of the people upon this Legislature is for economy, and not for a lavish and unwise expenditure of their money at this time, when the financial depression is greater than at any time for the past three years. So much so, that a general law has just been passed extending the time of paying taxes without penalty until June 15, 1885, something which has not occurred in this Territory before for years.

FOURTH.—Nearly every dollar of our Territorial revenue is raised by direct taxation. We have no large incomes

from railroad taxes, telegraph companies, etc. Neither any income from school lands or from any source of like character to help lighten the burden of supporting these institutions, so that the building of new institutions and the creation of new officers to control and manage them at this time will soon be a great and intolerable burden upon the people, from the very fact that the levy of taxes for Territorial purposes has increased from three mills to four and two-fifths mills in the last four years, notwithstanding the very large increase in valuation of our property.

FIFTH.—What seems to be a good argument at first sight, viz.: "That Cass county has paid such a large tax and has no public institutions," is in reality not a good one, because nine-tenths of the counties in this Territory can say the same thing very truthfully.

SIXTH.—The people of this country are an agricultural people, and at present poorly able to send their children to these schools and universities, which they are asked for taxes to help support, and the majority of the scholars are from the city where the institution is built and its immediate vicinity, hence we have nothing but a city school with high-priced teachers and professors maintained at the expense of the people of the Territory.

SEVENTH.—The argument advanced that we shall be divided soon and then North Dakota will pay for this is not good either from the fact that division is an uncertain quantity in the problem of Dakota politics, and even if it were not so, North Dakota should have the right to locate her own institutions without our advice or assistance.

EIGHTH.—The passage of this bill is equivalent to refunding all Territorial taxes paid for the last three years by Cass county and exempting them from any future payments for many years to come.

NINTH.—The immense amount of money needed for our penal and charitable institutions, and then the increased cost of our Territorial government make it incumbent upon us to start no more institutions at this time than is absolutely necessary, and for the above reasons I recommend that the bill do not pass.

A. C. HUETSON,

Member of your committee on Appropriation.

Mr. Twomey moved

That the majority report of the committee on Appropriations be adopted.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations have had under consideration

Council Bill No. 233

And recommend the passage of the bill with the attached amendment.

J. LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations to whom was referred

Council Bill No. 176. A bill for an act to reimburse Brown county for money paid out for the taking care of certain paupers.

Have had the same under consideration and report the same back with the recommendation that it do pass.

Also,

Council Bill No. 186.

Have instructed me to report the same back and recommend its passage.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions have considered

Council Bill No. 86.

And have directed me to report the same back and recommend that it pass as amended.

JOHNSON NICKEUS,
Chairman.

BISMARCK, Dak., February 18, 1885.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred
Council Bill No. 126

Beg leave to report the same back as correctly enrolled.

Also,

Council Bill No. 53

Beg leave to report the same back as correctly enrolled.

Also,

Council Bills Nos. 154, 83, 171, 107 and 66.

Beg leave to report the same back as correctly engrossed.

CHALES RICHARDSON,
Chairman.

INTRODUCTION OF BILLS.

Mr. Washabaugh introduced—

Council Bill No. 236. A bill for an act legalizing the acts of John P. Belding, late acting sheriff of Lawrence county, and for other purposes.

Which was read the first time.

Mr. Westover introduced—

Council Bill No. 237. A bill for an act to amend section 311 of the Code of Civil Procedure.

Which was read the first time.

Also,

Council Bill No. 238. A bill for an act to amend sections 236 and 237 of the Code of Civil Procedure.

Which was read the first time.

Also,

Council Bill No. 239. A bill for an act to amend section 19 of the Political Code.

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 240. A bill for an act to authorize Lawrence county to issue bonds for the purpose of purchasing a location and erecting a jail, and to provide for the payment of the same.

Which was read the first time.

Mr. Natwick introduced—

Council Bill No. 241. A bill for an act to require railroad companies to construct Y's where one line of railroad crosses the line of another railroad in Dakota.

Which was read the first time.

Mr. Farmer introduced—

Council Bill No. 242. A bill for an act to amend section 234 of the Code of Civil Procedure of the Territory.

Which was read the first time.

Also,

Council Bill No. 243. A bill for an act to amend section 104, and to repeal section 106 of the Code of Civil Procedure of this Territory.

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 244. A bill for an act to define the boundaries of the county of McLean.

Which was read the first time.

Also,

Council Bill No. 245. A bill for an act to amend an act to establish a Code of Proceedings in courts of justices of the peace, and to limit the jurisdiction of the same.

Which was read the first time.

Also,

Council Bill No. 246. A bill for an act creating the county of Eddy, defining its boundaries, and defining the boundaries of the county of Foster and for other purposes.

Which was read the first time.

Mr. Huetson introduced—

Council Bill No. 247. A bill for an act entitled an act to incorporate the city of Canton.

Which was read the first time.

Mr. Pettigrew moved

That the Council concur in House amendments to Council Bill No. 158.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 208

Read the second time and referred to the committee on Judiciary.

Council Bill No. 209

Read the second time and referred to the committee on Judiciary.

Council Bill No. 214

Read the second time and referred to the committee on Appropriations.

Council Bill No. 220

Read the second time and referred to the committee on Counties.

Council Bill No. 211

Read the second time, and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 233. A bill for an act to incorporate the city of Milbank, Dakota.

Was read the third time.

Mr. Smedley moved

That the report of the committee, with amendments, be adopted.

Which motion prevailed.

Mr. Twomey moved

That the rules be suspended, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Farmer, Jones, LaMoure, Richardson, Wells, Walsh.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 61. A bill for an act entitled an act for making appropriation for the purpose of constructing and furnishing a building for the North Dakota Territorial College at Fargo, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Mr. President.

Those who voted in the negative were:

Messrs. Huetson and Washabaugh.

Absent and not voting:

Messrs. Farmer, Richardson, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

To reconsider the vote by which the previous

Council Bill passed, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Council Bill No. 142. A bill for an act to amend section 1 of chapter 44 of the Special Laws of 1883.

Was read the third time.

Mr. Kennedy moved

That the bill be referred to the Judiciary Committee with instructions for them to draft amendments to the same, and duly report the same to Council to-morrow.

Which motion prevailed.

Council Bill No. 176. A bill for an act to reimburse Brown county, Dakota, for money paid out for the taking care of certain paupers named in unorganized territory.

Was read the third time.

Mr. Gamble moved

That the word "Legislature" be stricken out and the words "Legislative Assembly" inserted in lieu thereof.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gumble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. Kennedy moved

To reconsider the vote by which the bill passed, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Council Bill No. 186. A bill for an act making appropriation to pay for fuel used in heating the Capitol building.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Mr. President.

Mr. Natwick voting in the negative.

Absent and not voting:

Messrs. Flittie, LaMoure, McLaughlin, Wells, Walsh.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 142. A bill for an act to amend chapter 44 of the Session Laws of 1883.

Was read the third time.

Mr. Nickeus asked unanimous consent that

Council Bill No. 142

Be recommitted, and there being no objection

The President so ordered.

FIRST READING OF HOUSE BILLS.

House Bill No. 219

Was read the first time.

Mr. Austin moved

To suspend the rules, and that

House Bill No. 219

Be passed to its second reading and reference.

Which motion prevailed.

House Bills Nos. 119, 87, 165, 161, 155, 146, 137, 21.

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 219

Read the second time and referred to the committee on Judiciary.

House Bill No. 203

Read second time and referred to the committee on Appropriations.

House Bill No. 69

Read the second time and referred to the committee on Judiciary.

House Bill No. 128

Read the second time and referred to the committee on Counties.

Mr. Bowdle moved
That the Council do now adjourn until to-morrow at 2
o'clock p. m.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

THIRTY-EIGHTH DAY.

BISMARCK, Thursday, February 19, 1885.

The Council met pursuant to adjournment, and was called
to order by the President.

Prayer was offered by the chaplain.

The roll being called

The following members were absent:

Messrs. Austin, Twomey, Wells.

The Journal of the previous day read, corrected and ap-
proved.

REPORTS OF STANDING COMMITTEES.

BISMARCK, February 18, 1885.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment beg
leave to report that we have this 18th day of February,
1885, at 4:23 o'clock p. m. presented

Council Bills Nos. 88, 76, 53, 126, 224

To His Excellency the Governor for his signature and ap-
proval.

Also,

Beg leave to report Council Bills Nos. 156 and 199 back
as correctly engrossed.

Also,

Council Bill Nos. 98 and 147.

Beg leave to report the same back as correctly enrolled.

Also,

Council Bills Nos. 25 and 73, and House File No. 8.

Beg leave to report the same back as correctly engrossed.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred House Bill No. 219. A bill for an act supplemental to an act to legalize a certain ordinance of the town of Wahpeton, providing for the establishment of water works, and to legalize the issue of bonds thereunder.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 183. A bill for an act to repeal section 4, chapter 99, of the session laws of 1881, and for other purposes.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 203. A bill for an act to amend an act entitled an act to create the office of district attorney for the several counties of Dakota Territory and for other purposes.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 178. A bill for an act to amend section 553 of the Code of Criminal Procedure of the Territory of Dakota.

Have had the same under consideration and beg leave to report the same back with the following amendment and recommend that the bill do pass as amended.

Amend section 1 by striking out the words "caused by the defendant" at the end of said section.

Also,

Council Bill No. 22. A bill for an act to repeal section 427 of the Penal Code.

Beg leave to report the same back with the recommendation that it do not pass.

Also,

House File No. 80. A bill for an act relating to fees for the service of legal process,

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

House File No. 27. A bill for an act providing for the recording of the official bonds of civil officers.

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 129. A bill for an act to change the name of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do not pass.

J. R. GAMBLE.
Chairman.

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 172,

Have had the same under consideration, and beg leave to report the same back without recommendation.

Also,

Council Bill No. 174,

Beg leave to report the same back and recommend that the same be amended by the adoption of a substitute herewith presented, and as so amended that the bill do pass.

Also,

Council Bill No. 162,

And beg leave to report the same back and recommend that it be amended by the adoption of the substitute herewith presented, and that as so amended the bill do pass.

Also,

House Bill No. 5. A bill for an act to define the boundaries of Kidder county, and for other purposes,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

B. R. WAGNER.
Chairman.

MR. PRESIDENT:

Your committee on Warehouses and Wheat Grading, to whom was referred

Council Bill No. 2. A bill for an act to regulate elevators and the weighing and inspection of grain,

Have had the same under consideration and beg to report the same back, and recommend that it be considered in Committee of the Whole at an early date.

GEORGE H. WALSH,
Chairman.

MR. PRESIDENT:

Your committee on Public Health, having had under consideration

House File No. 76. A bill for an act to insure better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

Beg leave to report the same back with the recommendation that it do pass.

V. P. KENNEDY,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations have had

Council Bills Nos. 185, 168 and 196

Under consideration, and recommend the passage of the same.

J. LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Penal and Charitable Institutions, to whom was referred

Council Bill No. 194. A bill for an act fixing the fees for transporting convicts to the penitentiary,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 195. A bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylum of the Territory,

Have had the same under consideration, and beg leave

to report it back with the recommendation that the bill do pass.

JOHNSON NICKEUS,
Chairman.

MR. PRESIDENT:

Your committee on Revenue to whom was referred Council Bill No. 68. A bill for an act to amend section 56 of chapter 28 of the Political Code, as amended by section 11 of chapter 118, of the Session Laws of 1881.

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do not pass.

Also,

Council Bill No. 16. A bill for an act entitled an act relating to the exemption of volunteer firemen as jurors and from paying poll tax in the Territory of Dakota.

Have had the same under consideration and beg leave to report the same back with the following amendments with the recommendation that the bill do pass as amended.

Strike out the word "five" wherever it occurs in section 1 of this act and insert the word "ten" in lieu thereof.

Strike out the word "forever" where it occurs in said section 1 and in lieu thereof substitute the word "thereafter."

C. D. AUSTIN,
Chairman.

Mr. Day offered the following resolution and moved the adoption of the same.

Resolved, That the reporters for papers represented on this floor be furnished with printed copies of all bills and journals, the same as members, and that the chief clerk furnish them with copies of all bills and journals heretofore printed that are now in his possession.

Which resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Smedley introduced—

Council Bill No. 248. A bill for an act to fund the indebtedness of Codington county.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 249. A bill for an act to create a new sub-division of the Third Judicial District.

Which was read the first time.

Mr. Austin introduced—

Council Bill No. 250. A bill for an act to amend an act entitled an act to incorporate the village of Tower City.

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 257. A bill for an act supplemental to an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness.

Which was read the first time.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 19, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 32. A bill for an act in relation to the bonds and coupons issued by the township of Elk Point.

Also,

Council Bill No. 88. A bill for an act to authorize the purchase and distribution of 250 copies of the third volume of the Dakota Supreme Court Reports.

Also,

Council Bill No. 76. A bill for an act to amend section 101, of chapter 9. of the Code of Civil Procedure.

Also,

Council Bill No. 224. A bill for an act to amend and supplementary to an act entitled an act to provide for building a court-house and jail in Hamlin county, and for other purpose, known as Council bill No. 134.

GILBERT A. PIERCE,
Governor.

SECOND READING OF COUNCIL BILLS.

Mr. Richardson moved—

That the rules be suspended and that Council Bill No. 251

Be passed to its second reading and

Referred to the committee on Revenue.

Which motion prevailed.

Council Bill No. 231

Read the second time and referred to the committee on Charitable and Penal Institutions.

Council Bill No. 221

Read the second time and referred to the committee on Towns and Cities.

Council Bill No. 217

Read the second time and referred to the committee on Judiciary.

Council Bill No. 218

Read the second time,

Mr. Westover moved

That the rules be suspended and that

Council Bill No. 218

Be passed to its third reading and final passage.

Which motion prevailed.

Council Bill No. 281. A bill for an act to provide for funding the indebtedness of Sully county, Dakota Territory.

Was read the third time.

Mr. Westover moved

To amend the title by inserting the word "funding" after the word "for."

Which motion prevailed.

The roll being called on the final passage of the bill, as amended, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoore, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, Richardson, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 4

Read the second time and referred to the committee on Judiciary.

SPECIAL ORDERS.

The President announced that the hour had arrived for the consideration of Council Bill No. 120

Council Bill No. 120. A bill for an act to provide for contesting elections for county officers, and for the location of county seats and for other purposes

Was read the third time.

Mr. Gamble moved

To amend by striking out the words "chapter twenty-six of" in section 11.

Which motion prevailed.

The bill was then read the third time as amended and put upon its final passage.

The roll being called there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Kennedy and Wells.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 174. A bill for an act to provide for funding the indebtedness of Hughes county, Dakota.

Was read the third time.

Mr. Westover moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. LaMoure moved

That the rules be suspended, and

The further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, upon the final passage of the bill as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, McLaughlin, Smedley, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 162. A bill for an act to provide for funding the indebtedness of Potter county and other purposes.

Was read the third time.

Mr. Westover moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Westover moved

That the rules be suspended and

That the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, McLaughlin, Smedley, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 183. A bill for an act to repeal section 4, chapter 99, of the Session Laws of 1881 and for other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Natwick, Wagner, Wells.

So the bill passed and its title was agreed to.

Mr. Nickeus asked that unanimous consent be given and that

Council Bill No. 156

Be considered as reconsidered.

There being no objection it was so ordered.

The roll being called, upon the final passage of Council Bill No. 156 as amended there were, ayes, 16; nays, 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Pettigrew, Richardson, Twomey, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, LaMoure.

Absent and not voting:

Messrs. Natwick, Nickeus, Smedley, Wagner, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. Washabaugh and Mr. McLaughlin asked for unanimous consent to introduce bills and have them read the first time.

There being no objection the President so ordered.

Mr. Washabaugh introduced—

Council Bill No. 253. A bill for an act authorizing and directing the county commissioners of Lawrence county to settle with and release the sureties upon the official bond of Robert Neill, formerly treasurer of said county, upon certain conditions.

Which was read the first time.

Mr. McLaughlin introduced—

Council Bill No. 252. A bill for an act to divide the county of Emmons.

Which was read the first time.

Mr. Pettigrew asked for unanimous consent to present a petition at this time from the citizens of Day county, Dakota, pertaining to Woman Suffrage.

There being no objection it was received and referred to the committee on Elections.

Council Bill No. 205. A bill for an act to relocate the county seat of Turner county by special election on a majority vote, and other purposes.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Mr. Bowdle moved

As an amendment that

Council Bill No. 205 and House Bill No. 115

Be recommitted to the committee on Counties.

Mr. Jones moved

That the motion to recommit be laid upon the table.

Ayes and nays being demanded,

And the roll being called, there were, ayes 11; nays 7.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Farmer, Gamble, Huetson, Jones, LaMoire, Natwick, Pettigrew, Smedley, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Cameron, Kennedy, Nickeus, Washabaugh, Walsh.

Absent and not voting:

Messrs. Flittie, McLaughlin, Richardson, Twomey, Wagner, Wells.

So the motion prevailed to lay upon the table.

Mr. Gamble moved

That the consideration of

Council Bill No. 205

Be indefinitely postponed.

Which motion prevailed.

Council Bill No. 3. A bill for an act to amend section 62, chapter 28, of the Civil Code entitled Revenue.

Was read the third time.

Mr. Smedley moved

That the further consideration of

Council Bill No. 3

Be indefinitely postponed.

Which motion prevailed.

Council Bill No. 68. A bill for an act to amend section 50 of chapter 28 of the Political Code as amended by section 11 of chapter 1 of the Session Laws of 1881.

Was read the third time.

Mr. Smedley moved

That the further consideration of

Council Bill No. 68

Be indefinitely postponed

Which motion prevailed.

Council Bill No. 16. A bill for an act entitled an act relating to the exemption of volunteer firemen as jurors and from paying poll tax in the Territory of Dakota.

Was read the third time.

Mr. Natwick moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Walsh moved

As an amendment to section 1 line 13, of the printed bill, after word "certificate" add "Signed by the mayor and city clerk under the corporate seal of said city or town."

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Flittie, Natwick, Pettigrew, Wagner and Wells.

So the bill passed and its title was agreed to.

Mr. Austin moved

To suspend the rules and take up

House Bill No. 219 and put it upon its third reading and final passage.

Which motion prevailed.

House Bill No. 219. A bill for an act supplemental to an act to legalize a certain ordinance of the town of Wahpeton providing for the establishment of water works and to legalize the issue of certain funds thereunder.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Pettigrew, Wagner, Wells.

So the bill passed, and its title was agreed to.

Council Bill No. 115. A bill for an act providing for a constitutional convention and the formation of a State Constitution preparatory to the admission of Dakota Territory into the Union, and for other purposes.

Was read the third time.

Mr. LaMoure moved

That the rules be suspended and

That the further reading of the bill be dispensed with.

Ayes and nays were called.

The roll being called, there were, ayes 3: nays 18.

Those who voted in the affirmative were:

Messrs. Cameron, Duncan, Natwick.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Pettigrew, Wagner, Wells.

So the motion was lost.

Mr. Washabaugh moved

To amend by striking out the words "the State of Dakota" in section 6 and insert in lieu thereof after the word "for" the words "that portion of the Territory of Dakota south of the 46th parallel of north latitude."

Which motion prevailed.

Mr. Nickeus moved

The adoption of the following amendment, viz:

Add at the end of section 9 the following:

Provided, That in case of the division of the Territory of Dakota, or the admission of the southern half as a State, before the collection and payment of said tax into the Territorial treasury, as herein provided, then the treasurer of said State or Territory, formed from that portion of Dakota south of the forty-sixth parallel, as the case may be, shall pay over to the Territory of North Dakota such proportion of said moneys as the assessed valuation of property in North Dakota bears to the assessed valuation of property in South Dakota, in said new State or Territory.

Which motion prevailed.

Mr. Washabaugh moved

The following amendment to section 2:

That the county of Lake be inserted in the list of counties and that it be entitled to two delegates.

Also that the county of Grant be entitled to two delegates instead of one.

Which motion prevailed.

Mr. Bowdle offered the following amendment:

Insert the word "Mitchell" in place of "Sioux Falls," and "Davison" in place of "Minnehaha" in section 1.

Which motion was lost.

Mr. Smedley moved

To adopt the report of the committee, Except that portion referring to section 1 thereon.

Which motion prevailed.

Mr. Smedley moved

To amend section 1 by striking out "September 29," and inserting in lieu thereof "September 8."

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. McLaughlin, Twomey, Wagner, Wells.

So the bill passed and its title was agreed to.

Mr. Natwick moved

That the rules be suspended, and that

House Bill No. 132

Be taken up, given its first, second and third readings and put upon its final passage.

Which motion prevailed.

House Bill No. 132. A bill for an act to incorporate the city of De Smet.

Was read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, McLaughlin, Wagner, Wells.

So the bill passed and its title was agreed to.

Mr. Austin moved

That the rules be suspended, and that

Council Bill No. 250

Be given its second reading and referred.

Which motion prevailed.

Council Bill No. 250

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Bowdle moved

That the Council now adjourn.

Ayes and nays demanded.

The roll being called, there were, ayes 7; nays 13.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Duncan, Flittie, Kennedy, Twomey, Walsh.

Those who voted in the affirmative were:

Messrs. Austin, Farmer, Gamble, Huetson, Jones, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Day, McLaughlin, Wagner and Wells.

So the motion was lost.

Council Bill No. 203. A bill for an act to amend an act entitled an act to create the office of district attorney for the several counties of Dakota and for other purposes.

Was read the third time.

Mr. Gamble moved that

Council Bill No. 203

Be recommitted.

Which motion prevailed.

Mr. Pettigrew moved

To suspend the rules and

Take up House Bills on the clerk's table for third reading.

Which motion prevailed.

And substitute for

House Bill No. 115. A bill for an act to locate the county seat of Turner county.

Was read the third time.

Mr. Smedley moved

The adoption of the report of the committee.

Which motion prevailed.

Mr. Gamble moved

To amend by striking out all that part of the amendment after the word "had" in section 2.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Nickeus, Twomey, Wagner, Washabaugh, Wells.

So the bill passed and its title was agreed to.

Mr. Jones moved

That the vote by which

House Bill No. 115

Passed, be reconsidered, and the vote to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 5. A bill for an act to define the boundaries of Kidder county and other purposes,

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure McLaughlin, Wells.

So the bill passed and its title was agreed to.

REPORTS OF STANDING COMMITTEES.

BISMARCK, February 19, 1885.

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred Council Bill, No. 156

Beg leave to report the same back as correctly engrossed.

CHAS. RICHARDSON,
Chairman.

MESSAGES FROM THE HOUSE.

BISMARCK, February 19, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed

House Bill No. 132. A bill for an act to incorporate the city of DeSmet.

Also,

House Bill No. 142. A bill for an act to establish Independent School District No. 1, Douglas county, D. T., and for other purposes.

Also,

□ House Bill No. 184. A bill for an act to provide shades for windows in the House not already provided therewith.

Also,

House Bill No. 192. A bill for an act authorizing the county of Fall River to construct a county bridge over the Cheyenne river, and to issue bonds therefor.

Which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Walsh moved

That when the Council adjourn, it adjourn to meet tomorrow at 11 o'clock a. m., and that upon convening at that time the Council take up the order of business of this day.

Which motion prevailed.

On motion of Mr. Walsh the Council adjourned.

A. W. HOWARD,
Chief Clerk.

THIRTY-NINTH DAY.

BISMARCK, Friday, February 20, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered.

The roll being called, the following members were absent:

Messrs. Gamble, Nickeus, Richardson, Wells.

Journal of previous day read, corrected and approved.

The President announced that the order of business would be the

THIRD READING OF HOUSE BILLS.

House Bill No. 27. A bill for an act providing for the recording of the official bonds of civil officers.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, Nickeus, Richardson, Smedley, Wells.

So the bill passed and its title was agreed to.

House Bill No. 129. A bill for an act to change the

name of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford.

Was read the third time.

Mr. McLaughlin moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. McLaughlin moved

That the further consideration of
House Bill No. 129

Be indefinitely postponed.

Which motion prevailed.

House Bill No. 80. A bill for an act relating to fees for the service of legal process.

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. McLaughlin moved—

That the further consideration of
House Bill No. 80

Be indefinitely postponed.

Which motion prevailed.

House Bill No. 76. A bill for an act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota.

Was read the third time.

Mr. Nickeus moved

That the report of the committee be adopted.

Mr. McLaughlin moved—

To amend by striking out the words "County Clerk" wherever they occur, and insert in lieu thereof "Register of Deeds."

Which motion prevailed.

Also,

To amend by striking out the words "two hundred" wherever they occur before the word "dollars" and insert in lieu thereof "100."

Which motion prevailed.

Mr. Jones moved—

To amend by striking out the following words in section 1, viz :

“Who is not at the time of the passage of this act,” where they occur in said section.

Which motion prevailed.

The roll being called on the final passage of the bill as amended, there were, ayes, 19; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, Wagner.

Absent and not voting:

Messrs. LaMoure, Richardson, Wells.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 20, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 126. A bill for an act to repeal section 2 and amend section 12 of chapter 104 of the Session Laws of 1881.

Also,

Council Bill No. 53. A bill for an act to repeal section 5 of chapter 31 of the Session Laws of 1883.

Also,

Council Bill No. 147. A bill for an act constituting Ransom and Sargent counties a judicial sub-division and for other purposes.

GILBERT A. PIERCE,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 194. A bill for an act fixing the fees for transporting convicts to the penitentiary.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Farmer, LaMoure, Richardson, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 195. A bill for an act fixing the fees of sheriffs and other officers for the transportation of insane persons to the asylum of this Territory.

Was read the third time.

Mr. Pettigrew moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Mr. LaMoure voting in the negative.

Absent and not voting:

Messrs. Farmer, Richardson, Wells, Mr. President.

So the bill passed, and its title was agreed to.

Council Bill No. 178. A bill for an act to amend section 553 of Code of Criminal Procedure of the Territory of Dakota.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin,

Natwick, Smedley, Twomey, Wagner, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Nickeus, Washabaugh.

Absent and not voting:

Messrs. LaMoure, Pettigrew, Richardson, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 22. A bill for an act to repeal section 427 of the Penal Code.

Was read the third time.

Mr. Austin moved

To adopt the report of the committee.

Mr. Westover moved

That further consideration of

Council Bill No. 22

Be indefinitely postponed.

Which motion prevailed

Council Bill No. 172. A bill for an act for the division of the county of Morton and the formation of the county of Carbon therefrom.

Was read the third time.

Mr. Walsh moved

That the gentleman who introduced

House Bill No. 172

Be allowed to withdraw the same.

Which motion prevailed.

Council Bill No. 196. A bill for an act to vacate portions of the townsite of Springfield, Bon Homme county, and for other purposes.

Was read the third time.

Mr. Wagner moved that

Council Bill No. 196

Be passed and taken up under its regular order.

Which motion prevailed.

Council Bill No. 188. A bill for an act to enable cities and municipal corporations to purchase and construct waterworks, and for other purposes.

Was read the third time.

Mr. Gamble moved

To amend by striking out all after the word "damaged," in section 3.

Which motion prevailed.

Mr. McLaughlin moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. McLaughlin moved

To amend by striking section 4 from the bill.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes, 21; nays none,

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, Richardson, and Wells.

So the bill passed and its title was agreed to.

Council Bill No. 168. A bill for an act changing the incorporate limits of the city of Redfield.

Was read the third time.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, LaMoure, Richardson, Twomey, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 2. A bill for an act entitled an act to regulate elevators and the weighing and inspection of grain.

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted, and that Council Bill No. 2

Be made the special order for next Wednesday afternoon at 3 o'clock p. m. of said day.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 212

Read the second time, and referred to the committee on Education.

Council Bill No. 217

Read the second time, and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 215

Read the second time.

Mr. Westover asked for unanimous consent to withdraw Council Bill No. 215

There being no objection the same was withdrawn.

Council Bill No. 216

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 219

Read the second time and referred to the committee on Counties.

Council Bill No. 226

Read the second time and referred to the committee on Judiciary.

Council Bill No. 253

Read the second time and referred to the committee on Judiciary.

Council Bill No. 248

Read the second time and referred to the committee on Counties.

Council Bill No. 252

Read the second time and referred to the committee on Counties.

Council Bill No. 249

Read the second time and referred to the committee on Judiciary.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 142, 184, 192.

Were read the first time.

Mr. Walsh moved

That the rules be suspended and that the House Bills just read be taken up and given their second readings and reference.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 142

Read the second time and referred to the committee on Education.

House Bill No. 184

Read the second time and referred to the committee on Public Buildings.

House Bill No. 192

Read the second time and referred to the committee on Highways, Roads and Bridges.

House Bill No. 119

Read the second time and referred to the committee on Judiciary.

House Bill No. 187

Read the second time and referred to the committee on Judiciary.

House Bill No. 162

Read the second time, and referred to the committee on Judiciary.

House Bill No. 161

Read the second time and referred to the committee on Counties.

House Bill No. 155

Read the second time and referred to the committee on Counties.

House Bill No. 146

Read the second time and referred to the committee on Judiciary.

House Bill No. 137

Read the second time and referred to the committee on Judiciary.

House Bill No. 21

Read the second time and referred to the committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Appropriations have had under consideration

Council Bill No. 20. A bill for an act providing for the location of a blind asylum at Milbank.

And report the same back and recommend its passage with an amendment striking out all of said bill after section 4.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

Council Bill No. 221.

Have had the same under consideration and recommend that the bill be referred to the Judiciary committee.

JUDSON LAMOURE,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your committee to whom was referred

Council Bill No. 251

Have had the same under consideration, and report the same back with the recommendation that it pass.

C. D. AUSTIN,
Chairman.

INTRODUCTION OF BILLS.

Mr. Westover introduced—

Council Bill No. 254. A bill for an act to incorporate the city of Fairbank.

Which was read the first time.

Also,

Council Bill No. 255. A bill for an act to establish Independent School District of Fairbank, Sully county, Dakota Territory.

Which was read the first time.

Also,

Council Bill No. 256. A bill for an act to provide for the

construction of sidewalks in unincorporated villages and towns.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 257. A bill for an act to amend an act providing for a board of education for the city of Jamestown, Dakota Territory, and regulating the management of the public schools therein.

Which was read the first time.

Mr. Pettigrew introduced—

Council Bill No. 258. A bill for an act to amend section 402 of the Civil Code.

Which was read the first time.

Mr. Westover moved

That the rules be suspended, and that Council Bill No. 254.

Be passed to its second reading and reference.

Which motion prevailed.

Also,

That the rules be suspended and that Council Bill No. 255

Be passed to its second reading and reference.

Which motion prevailed.

Mr. Nickeus moved

That the rules be suspended and that Council Bill No. 257

Be passed to its second reading and reference.

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 254

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 255

Read the second time and referred to the committee on Education.

Council Bill No. 257

Read the second time and referred to the committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 74. A bill for an act to locate and estab-

lish an asylum and school for the blind at the village of Milbank in Grant county, Dakota Territory.

Was read the third time.

Mr. Smedley moved

That report of the committee be adopted.

Which motion prevailed.

The roll being called, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Flittie, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, Gamble, LaMoure, Twomey, Wells.

So the bill passed and its title was agreed to.

Mr. McLaughlin asked unanimous consent to make a report at this time.

MR. PRESIDENT:

Your committee on Revenue to whom was referred Council Bill No. 251

Have considered the same and recommend that it do pass.

P. J. McLAUGHLIN,
Chairman.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Walsh moved

To suspend the rules and that Council Bill No. 251

Be taken up and given its third reading and put upon its final passage.

Which motion prevailed.

Council Bill No. 251. A bill for an act supplemental to an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Farmer, Gamble, LaMoure, Wells.

So the bill passed and its title was agreed to.

The President announced the appointment of Mr. Huetson as President pro tem. of the Council for to-morrow.

On motion of Mr. Twomey

The Council adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,
Chief Clerk.

FORTIETH DAY.

BISMARCK, Saturday, February 21, 1885.

The Council met pursuant to adjournment and was called to order by Mr. Huetson, appointed President pro tem.

Prayer was offered by the Chaplain.

The roll being called

The following members were absent :

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

The reading of the Journal of previous day dispensed with.

Upon motion all absent members were excused from attendance.

There not being a quorum present, the Council on motion adjourned to meet Monday, February 23, 1885, at 2 o'clock p. m.

J. M. PRESTON,
Clerk pro tem.

FORTY-SECOND DAY.

BISMARCK, Monday, February 23, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called the following members were absent, and on motion were excused :

Messrs. Austin, Flittie, Gamble, McLaughlin, Pettigrew, Twomey, Wagner, Wells.

Journals of Friday and Saturday last read, corrected and approved.

INTRODUCTION OF BILLS.

Mr. Nickeus introduced—

Council Bill No. 259. A bill for an act to give a reward in money for the discovery of anthracite coal in the Territory of Dakota.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 23

Read the second time and referred to the committee on Judiciary.

Council Bill No. 229

Read the second time and referred to the committee on Education.

Council Bill No. 247

Read the second time and referred to the committee on Education.

Council Bill No. 230

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 242

Read the second time and referred to the committee on Judiciary.

Council Bill No. 244

Read the second time and referred to the committee on Counties.

Council Bill No. 245

Read second time and referred to the committee on Judiciary.

Council Bill No. 232

Read the second time and referred to the committee on Judiciary.

Council Bill No. 241

Read the second time and referred to the committee on Railroads.

Council Bill No. 227

Was read the second time and referred to the committee Judiciary.

Council Bill No. 222

Read the second time, and referred to the committee on Revenue.

Council Bill No. 223

Read the second time and referred to the committee on Revenue.

Council Bill No. 228

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 237

Read the second time and referred to the committee on Judiciary.

Council Bill No. 238

Read the second time and referred to the committee on Judiciary.

Council Bill No. 239

Read the second time and referred to the committee on Judiciary.

Council Bill No. 236

Read the second time and referred to the committee on Judiciary.

On motion of Mr. Gamble,

The Council now adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,
Chief Clerk.

FORTY-THIRD DAY.

BISMARCK, Tuesday, February 24, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, all members were present except Mr. Wells,

Who was excused.

The Journal of the previous day read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred

House Bill No. 238. A bill for an act to amend sections 236 and 237 of the Code of Civil Procedure.

Have had the same under consideration, and beg leave to report the same back with the following amendments, and recommend that the bill as amended do pass.

Amend section 1 by striking out all of the last paragraph in said section, commencing with the words "Sec. 237" and ending with the words "place of such trial."

Also,

Council Bill No. 211. A bill for an act amending section 237 of the Code of Civil Procedure.

Also,

Council Bill No. 216. A bill for an act to amend section 286 of chapter 1 of the charter of the city of Grafton, ex-

tending the boundaries of said city and relating to the election of Justices of the Peace and for other purposes.

Also,

Council Bill No. 236. A bill for an act legalizing the acts of John P. Belding, late acting sheriff of Lawrence county, and for other purposes,

Have had the same under consideration, and beg leave to report it back with the recommendation that the bill do pass.

Also,

House Bill No. 87. A bill for an act to locate a new subdivision of the Sixth judicial district,

Have had the same under consideration, and beg leave to report the same back with the following amendments, and recommend that the bill as amended do pass.

Amend section 2 by striking out the words "Terms of the district," where they occur in the third line of said section 2

Also,

Strike out the word "Ellendale," where it occurs in the fourth line of said section.

Also,

Insert the word "Hereby" before the word "attached" in the seventh line of said section 2.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment to whom was referred

Council Bill No. 16.

Beg leave to report the same back as correctly engrossed.

Also,

Council Bill No. 76

Beg leave to report the same back as correctly engrossed.

Also,

Beg leave to report that we have this 24th day of February, 1885, at 3 o'clock p. m., presented

Council Bill No. 10

To His Excellency, the Governor, for his signature and approval.

CHARLES RICHARDSON,
Chairman.

INTRODUCTION OF BILLS.

Mr. Washabaugh introduced—

Council Bill No. 260. A bill for an act supplementary to and explanatory of chapter 38 of the Political Code.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 261. A bill for an act entitled an act to amend section 2 of the Session Laws.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 234

Read the second time, and referred to the committee on Highways, Roads and Bridges.

Council Bill No. 225

Read the second time and referred to the committee on Education.

Council Bill No. 240

Read the second time and referred to the committee on Counties.

Council Bill No. 243

Read the second time and referred to the committee on Judiciary.

Council Bill No. 246

Read the second time and referred to the committee on Counties.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 211. A bill for an act amending section 237 of the Code of Civil Procedure.

Was read the third time.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Huets-son, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richard-son, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, Gamble, LaMoure, McLaughlin, Smedley, Twomey, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 216. A bill for an act to amend section 2 of chapter 1 of the city of Grafton, Walsh county.

Was read the third time and put upon its final pas-sage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Huets-son, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, Gamble, LaMoure, McLaughlin, Smedley, Twomey, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 216. A bill for an act to amend section 2 of chapter 1 of the city of Grafton, Walsh county.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huets-son, Jones, Kennedy, LaMoure, McLaughlin, Nat-wick, Nickeus, Pettigrew, Richardson, Twomey, Washa-baugh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, Smedley, Wagner, Wells, Walsh.
So the bill passed and its title was agreed to.

Council Bill No. 238. A bill for an act to amend section 236 of the Code of Civil Procedure.

Was read the third time.

Mr. Washabaugh moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Natwick, Richardson, Smedley, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 236. A bill for an act legalizing the acts of John P. Belding, late acting sheriff of Lawrence county and for other purposes.

Was read the third time.

Mr. Gamble moved

To amend by striking out section 3.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Natwick, Richardson, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 213. A bill for an act to amend sections 25 and 26, of article 2, of the city charter of Jamestown, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Natwick, Richardson, Wells.

So the bill passed, and its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 87. A bill for an act to create a new subdivision of the Sixth Judicial District,
Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Farmer, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Wells.

So the bill passed and its title was agreed to.

House Bill No. 155. A bill for an act to incorporate the city of Spearfish.

Was read the third time.

Mr. Washabaugh moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Richardson, Wells.

So the bill passed and its title was agreed to.

Mr. LaMoure asked unanimous consent

To make a report at this time.

There being no objection, the report was received and read as follows:

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

Council Bill No. 254

Have had the same under consideration and recommend that it do pass.

Also,

Council Bill No. 213.

Also,

House Bill No. 155.

Have had the same under consideration and recommend their passage.

JUDSON LAMOURE,
Chairman.

Mr. Nickeus presented—

The following communication:

BISMARCK, Dak., February 24, 1885.

Hon. Johnson Nickeus, Territorial Council, Bismarck:

DEAR SIR:

Will you please, on behalf of the Board of Directors of the North Dakota Penitentiary at Bismarck, invite the members of the Territorial Council to visit the penitentiary buildings to-morrow (Wednesday) afternoon between 3 and 4 o'clock.

John Davidson, of the Northern Pacific, has kindly placed an engine and coach at the disposal of the party, and the same will be run from the depot direct to the building, about a mile south of the city.

I suppose the time occupied will be about two hours.

Very respectfully yours,

A. W. EDWARDS.

Chairman.

Mr. Nickeus moved

That the invitation be accepted, provided that it was agreeable for said body to visit said institution at 10 o'clock a. m., instead of the hour mentioned in the communication; and that the chief clerk be instructed to so notify.

Which motion prevailed.

Mr. LaMoure moved

That the privileges of the Council floor be extended to Mr. Bramble.

Which motion prevailed.

Mr. Pettigrew asked unanimous consent to introduce a bill at this time and have it read.

There being no objection the President so ordered and the bill was received and read the first time.

Mr. Pettigrew then introduced—

Council Bill No. 262. A bill for an act to amend sections 402 and 515 of the Civil Code and section 642 of the Penal Code.

Which was read the first time.

Messrs. Cameron and Twomey asked unanimous consent to introduce bills at this time and have them read the first time.

And there being no objection

Mr. Cameron then introduced—

Council Bill No. 263. A bill for an act to authorize the boards of county commissioners of Minnehaha, Miner, Lake and Kingsbury counties to aid certain persons whose crops were destroyed by storm.

Which was read the first time.

Mr. Twomey then introduced—

Council Bill No. 264. A bill for an act to provide for the conduct and holding of elections.

Which was read the first time.

Mr. Washabaugh moved

That a committee of three be appointed to investigate the cause of delay in the printing of Council Bills.

Which motion prevailed.

The President appointed as such committee

Messrs. Washabaugh, McLaughlin and Cameron.

Mr. Smedley moved

That the Council now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

FORTY-FOURTH DAY.

BISMARCK, Wednesday, February 25, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, all members were present.

Journal of yesterday read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

BISMARCK, Wednesday, Feb. 25, 1885.

MR. PRESIDENT:

Your committee on Enrollment, to whom was referred Council Bills Nos. 278 and 213,
Beg leave to report the same back as correctly engrossed.

Also,

Council Bill No. 158.

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 274. A bill for an act to amend an act to incorporate the city of Canton,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 180. A bill for an act to establish the Independent School District of Brandon, in Minnehaha county, Dakota Territory,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 229. A bill for an act establishing the Independent School District of Canova, Miner county, Dakota Territory.

Also,

Council Bill No. 212. A bill for an act to empower School District No. 78, of Walsh county, Dakota Territory, to issue bonds for school purposes.

Also,

House Bill No. 142. A bill for an act to establish Independent School District No. 1, Douglas county, Dakota Territory, and for other purposes,

Have had the same under consideration, and beg leave to report them back with the recommendation that they do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred House Bill No. 165. A bill for an act to legalize the acts of J. B. Hall, a notary public.

Also,

House Bill No. 137. A bill for an act to amend section 20 of chapter 39 of the Political Code, in relation to jurors' fees in Justice's Courts.

Also,

House Bill No. 119. A bill for an act amending sections 390 and 416 of the Civil Code.

Also,

Council Bill No. 204. A bill for an act providing a charter for the city of Mayville.

Have had the same under consideration and beg leave to report the same back with the recommendation that they do pass.

Also,

Council Bill No. 239. A bill for an act to amend section 6 of chapter 19 of the Political Code.

Have had the same under consideration, and beg leave to

report the same back wftth amendments and recommend that the bill do pass as amended.

Also,

Council Bill No. 142. A bill for an act to amend chapter 44 of the Session Laws of 1883.

Have had the same under consideration, and beg leave to report a substitute therefor, and recommend that the same do pass

Also.

Council Bill No. 227. A bill for an act to amend section 511 of the Code of Civil Procedure.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 137. A bill for an act entitled an act to amend section 57, chapter 6, of the Code of Civil Procedure.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

Council Bill No. 80. A bill for an act to amend section 7, chapter 39 of the Revised Code.

Have had the same under advisement and beg leave to report the same back with amendments as substitute therefor and recommend that the same do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 152

Have had the same under consideration and return the same without recommendation.

Also,

House Bill No. 30.

Have had the same under consideration and return the same with the recommendation that it do pass.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred
Council Bill No. 181,

Have had the same under advisement and beg leave to
report the same back with the recommendation that it do
pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Public Buildings to whom was re-
ferred

House Bill No. 184,

Report the same back and recommend that it do pass.

A. M. BOWDLE,
Chairman.

MR. PRESIDENT:

Your committee on Counties to whom was referred

House Bill No. 25. A bill for an act to change the bound-
ary lines of the county of Richland, and for other pur-
poses.

Beg leave to report the same back without recommenda-
tion.

Also,

Council Bill No. 240. A bill for an act to authorize
Lawrence county to issue bonds for the purpose of pur-
chasing a location and erecting a jail, and to provide for
the payment of the same.

Also,

Council Bill No. 234. A bill for an act to fund the road
and bridge indebtedness of Stutsman county and providing
for the issue and sale of bonds to pay the same.

Also,

Council Bill No. 246. A bill for an act creating the
county of Eddy, defining its boundaries and defining the
boundaries of the county of Foster, and for other pur-
poses.

Also,

Council Bill No. 244. A bill for an act to define the
boundaries of the county of McLean.

Also,

House Bill No. 161. A bill for an act to authorize the

Commissioners of Deuel county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 29. A bill for an act authorizing and empowering the county commissioners of Grant county to liquidate certain illegal taxes collected for 1882.

Have had the same under consideration, and beg leave to report the several bills back with the recommendation that they do pass.

Also,

Council Bill No. 219. A bill for an act authorizing and empowering the county commissioners of Turner county, Dakota, to fund the outstanding indebtedness of said county,

Have amended the same by striking out the word "ten" in the 19th line of section 1, and inserting in lieu thereof the word "eight," and

By striking out the following clause in section 3 :

"The validity or obligation of any such bond, so certified, shall not be questioned in any court or tribunal, but every such bond shall be, and remain valid and binding."

And recommend that the bill as amended do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred Council Bill No 235. A bill for an act to amend sections 7 and 15 of the Political Code, in reference to the fees of county treasurers and registers of deeds,

Have had the same under consideration and recommend certain amendments in the shape of a substitute bill, and recommend the passage of the amended substitute.

J. R. GAMBLE,
Chairman.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your special committee appointed to investigate and report the cause why certain Council Bills, to wit: from Nos.

247 to 255 inclusive, had not been printed as required by the rules of this body, respectfully report that they find said bills had their first readings on the 19th inst., and should have been printed and had their second readings and references on the following day, but for some unexplainable reason said bills were never handed to the public printer, and were never printed, but they had their second reading and references without printing, and that said bills are now in the hands of the respective committees to which they were referred.

Your committee find there is but little system in the handling of bills, and there is great danger of losing bills under the present system and would suggest that when the Chief Clerk of this body delivers any bills to the messenger or public printer that he take a receipt therefor, and when the messenger shall deliver any bill to the public printer he take the printer's receipt therefor; and when said bills are returned to the respective officers the receipts outstanding therefor may be canceled, and by this means a bill may be conveniently traced.

Respectfully submitted,

F. J. WASHABAUGH,

W. B. CAMERON,

P. J. McLAUGHLIN.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Farmer introduced—

Council Bill, No. 265. A bill for an act to establish independent School District of Howard, Miner county, Dakota.

Which was read the first time.

Mr. Farmer asked unanimous consent to have Council Bill No. 265.

Passed to its second reading and reference.

There being no objection, the President so ordered.

Mr. Cameron introduced—

Council Bill No. 266. A bill for an act establishing Independent School District of Gilman, Lake county, Dakota.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 264

Read the second time and referred to the committee on Education.

Council Bill No. 258

Read the second time and referred to the committee on Judiciary.

Council Bill No. 256

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 259

Read the second time and referred to the committee on Appropriations.

MESSAGES FROM THE HOUSE.

BISMARCK, February 25, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has had under consideration

Council Bill No. 207. A bill for an act for a concurrent resolution in relation to the honorable junior senator from Indiana, and that the House refuses to concur therein.

And so the resolution was lost.

I am also requested to announce that the House has had under consideration and concurred in the following Council Bills, to-wit:

Council Bill No. 11. A bill for an act establishing the North Dakota Hospital for the Insane, and providing for government of the Dakota Hospital for the Insane.

Also,

Council Bill No. 60. A bill for an act to revive and reenact chapter 4 of the Session Laws of 1883, entitled an act to locate and establish the North Dakota Territorial Agricultural College.

Also,

Council Bill No. 85. A bill for an act to appropriate funds to pay expenses of militia to Spink county, Dakota Territory, December 12, 1884.

Also,

Council Bill No. 97. A bill for an act to repeal chapter 37 of Session Laws of 1881, relating to pay of county commissioners of Stutsman county, and to which the House made an amendment.

Also,

Council Bill No. 99. A bill for an act providing for the issue of bonds for the erection of a court house and jail for Wells county, and for other purposes.

Also,

Council Bill No. 104. A bill for an act to amend section 416 of the Code of Civil Procedure.

Also,

Council Bill No. 105. A bill for an act to fund the outstanding indebtedness of Lake county.

Also,

Council Bill No. 117. A bill for an act entitled an act to amend an act entitled an act providing a board of education for the city of Fargo.

Also,

Council Bill No. 122. A bill for an act to vacate certain portions of the townsite of Oriska.

Also,

Council Bill No. 87. A bill for an act supplementary to chapter 28 of the Political Code, entitled "Revenue," and to authorize the bringing of suits for the recovery of delinquent taxes, and to regulate the proceedings therein.

Also,

Council Bill No. 107. A bill for an act to amend section 47 of the Justices' Code of the Territory of Dakota.

Also,

Council Bill No. 128. A bill for an act establishing Independent School District No. 4, Lake county, Dakota.

Also,

Council Bill No. 129. A bill for an act to authorize School District No. 18, Cass county, to issue bonds to build a school house.

Also,

Council Bill No. 132. A bill for an act authorizing the treasurer of Traill county to transfer certain funds into the county fund.

Also,

Council Bill No. 145. A bill for an act to amend sections 423 and 42, of the Code of Criminal Procedure.

Also,

Council Bill No. 154. A bill for an act to authorize

School District No. 7, in Cass county, to issue bonds and to build school houses.

Also,

Council Bill No. 135. A bill for an act amendatory of an act to incorporate the city of Grand Forks.

Also,

Council Bill No. 155. A bill for an act to incorporate the city of Watertown, in Codington county.

Also,

Council Bill No. 173. A bill for an act to vacate Hammer's second addition to the city of Mitchell.

Also,

Council Bill No. 206. A bill for an act to provide for the issue of bonds to aid in the construction of a court house and jail in the county of Walsh.

All of said bills are herewith returned, and a concurrence to the amendments made is respectfully requested.

And I am also requested to announce to your honorable body that the House of Representatives has passed the following bills, to-wit:

House Bill No. 74. A bill for an act authorizing the county treasurers to bid off real estate in the name of the county where there are no other bidders and to provide for the transfer or redemption thereof.

Also,

House Bill No. 97. A bill for an act to authorize the county commissioners of Ramsey county to fund the outstanding indebtedness of said county.

Also,

House Bill No. 124. A bill for an act to authorize the county commissioners of Dickey county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 126. A bill for a joint memorial and resolution in relation to the pine lands of Minnesota.

Also,

House Bill No. 138. A bill for an act to provide for the appointment of sheep inspectors.

Also,

House Bill No. 156. A bill for an act defining the crime of forgery and providing the punishment therefor.

Also,

House Bill No. 159. A bill for an act to define the boundaries of Billings and other counties, with an amendment thereto.

Also,

House Bill No. 162. A bill for an act to regulate dealing in passage tickets.

Also,

House Bill No. 167. A bill for an act to authorize the county commissioners of Sargent county to fund the indebtedness of said county.

Also,

House Bill No. 170. A bill for an act to amend section 34, of chapter 75, of the Session Laws of 1883, in regard to drainage.

Also,

House Bill No. 205. A bill for an act to repeal sections 17, 18, 19, 20 and 21, in relation to road tax and road supervisors, of an act entitled an act to authorize and empower the county of Union to issue bonds to pay outstanding indebtedness.

Also,

House Bill No. 218. A bill for an act defining the boundaries of the Fourth Judicial District and fixing the time for holding court therein.

Also,

House Bill No. 92. A bill for an act creating Nelson county as a legal subdivision and providing for a term of court therein.

Also,

House Bill No. 117. A bill for an act creating and defining a subdivision of the Third Judicial District and for other purposes.

Also,

House Bill No. 185. A bill for a Joint Resolution for payment of persons employed about the building occupied by the Sixteenth Legislative Assembly not otherwise provided for.

Also,

House Bill No. 206. A bill for an act to amend an act entitled an act to annex certain territory to the Vermilion City School District and other purposes.

Also,

House Bill No. 207. A bill for an act to prevent the sale of intoxicating liquors within three miles of the Dakota University in the city of Vermillion, Clay county, Dakota, except for medicinal and mechanical purposes.

Also,

House Bill No. 221. A bill for an act to authorize the trustees of the city of Groton, Brown county, to extend the time for the collection of taxes for thd year 1884.

Also,

House Bill No. 228. A bill for an act providing for a charter for the city of Wahpeton.

All of which are herewith transmitted and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 254. A bill for an act to incorporate the city of Fairbanks.

Was read the third time.

Mr. Bowdle moved that
Council Bill No. 254

Be recommitted.

Which motion prevailed.

Council Bill No. 219. A bill for an act authorizing the county commissioners of Turner county, Dakota, to fund the indebtedness of said county.

Was read the third time.

Mr. Pettigrew moved
To adopt the report of the committee.

Which motion prevailed.

The roll being called on the final passage of the bill, as amended, there were ayes, 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Kennedy, Natwick, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 181. A bill for an act entitled an act to allow the board of supervisors of townships to issue bonds.

Was read the third time.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called, upon the final passage of the bill as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson Jones, LaMoure, McLaughlin, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Kennedy, Natwick, Richardson, Smedley.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 235. A bill for an act entitled an act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, Dakota Territory.

Was read the third time, as amended, and put upon its final passage.

The roll being called there were, ayes 15; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Austin, Day, Flittie, McLaughlin, Nickeus, Richardson, Twomey, Wells.

So the bill passed and its title was agreed to.

Mr. Gamble asked

Unanimous consent to make a report at this time.

There being no objections it was received and read.

Which was as follows:

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred

House Bill No. 21. A bill for an act to amend certain sections of part 2, chapter 13, of the Code of Civil Procedure.

Have had the same under consideration and beg leave to report the same back with the following amendment, and recommend its passage as amended.

Strike out section 1 and number the following sections according to such amendment:

J. R. GAMBLE,
Chairman.

Council Bill No. 234. A bill for an act authorizing the board of county commissioners of Stutsman county, Dakota Territory, to fund its outstanding road and bridge indebtedness.

Was read the third time.

Mr. Nickeus moved

To amend by striking out "fifteen" and inserting "eighteen" in line 2 of section 2.

Also amend line 7, section 3, by striking out the word "amount" and insert the word "sum."

Also in line 1, section 4, strike out "July" and insert "May."

Also in line 2 of section 4 strike out "fifteen" and insert "eighteen."

In line 4 of section 4 insert after the phrase "of each year" "after the year 1885."

Also in line 5 of section 5 insert after the phrase "retire the same" "in the order of their issue."

Also in line 3 of section 6 strike out "July" and insert "September."

Also in line 1 of section 8 strike out after the word "paid" the words "by the issue of bonds."

Also in line 4 of section 9 strike out "July" and insert "May."

Which were adopted.

Mr. McLaughlin moved

To suspend the rules and that the further reading of the bill be dispensed with,

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick,

Nickeus, Richardson, Twomey, Wagner, Washabaugh,
Wells Mr. President.

Absent and not voting:

Messrs. Cameron, Farmer, Pettigrew, Smedley, Walsh.

So the bill passed and its title was agreed to.

COMMITTEE OF THE WHOLE.

The President announced that the hour had arrived for
the consideration of
Council Bill No. 2

In committee of the whole, and called

Mr. Washabaugh to the chair.

When the committee rose the following report was
made:

MR. PRESIDENT:

Your committee beg leave to report that they have had
Council Bill No. 2

Under consideration and have risen for the purpose of
making a motion to postpone the further consideration of
Council Bill No. 2

In Committee of the Whole until to-morrow at 3 o'clock
p. m.

F. J. WASHABAUGH,
Chairman.

Mr. Nickeus moved

That the further consideration of
Council Bill No. 2

Be postponed until to-morrow at 3 o'clock p. m., and that
it be made the special order for the Committee of the
Whole on said day and hour above named.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Substitute for

Council Bill No. 80. A bill for an act to amend sec-
tion 7 of chapter 39 of the Political Code.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Mr. Nickeus moved

To amend by striking out "50 cents" and inserting "\$1" for making an abstract of title.

Which motion prevailed.

Mr. Bowdle moved

To amend the substitute by striking out "10 cents" and inserting in lieu thereof, "25 cents" for filing and indexing chattel mortgages.

Which motion was lost.

The motion occurring upon the motion as amended to adopt the report of the committee as amended was then adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 12; nays 12.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, LaMoure, McLaughlin, Natwick, Walsh.

Those who voted in the negative were:

Messrs. Bowdle, Huetson, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

So the bill was lost.

Council Bill No. 246. A bill for an act creating the county of Eddy, defining the boundaries of the county of Foster and for other purposes.

Was read the third time.

Mr. Walsh moved

That the rules be suspended and that

The further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes 20; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron and Duncan.

Absent and not voting:

Messrs. Jones and Natwick.

So the bill passed and its title was agreed to.

Mr. Nickeus moved
That the vote by which
Council Bill No. 246
Was carried be reconsidered.

Mr. Twomey moved
To lay the motion on the table.
Which motion prevailed.

Council Bill No. 227. A bill for an act to amend section 511 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.
The roll being called there were, ayes 22; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. LaMoure voting in the negative.

Absent and not voting:

Mr. Jones.

So the bill passed and its title was agreed to.

Council Bill 229. A bill for an act establishing independent School District of Canova, Miner county, Dakota Territory.

Was read the third time.

Mr. Farmer moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones and LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 137. A bill for an act to amend section 57 of chapter 6, of the Code of Civil Procedure,

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Gamble moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 142. A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota.

Was read the third time.

Mr. Gamble moved

To amend the report of the committee as follows:

Amend said substitute bill by adding thereto the following: Section 3. That an act entitled an act to prevent the spread of noxious weeds in the counties of Union, Clay, Lincoln and Cass, be and the same is hereby repealed.

Which motion prevailed.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were, ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Jones, McLaughlin, Nickeus, Pettigrew Richardson, Mr. President.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 239. A bill for an act to amend section 7, of chapter 19, of the Political Code, and to amend section 163, of the Code of Criminal Procedure.

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoire, McLaughlin, Natwick, Nickeus Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Kennedy, Pettigrew, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 152. A bill for an act to promote the planting of forest trees upon the prairies of the Territory of Dakota.

Was read the third time.

Mr. Flittie moved

To amend by striking out and inserting the following, viz:

Strike out all words after the 2d word of the 3d line of the first section to and including the 2d word of the 4th line of the same section. Also the words "one-half mile" and "line of trees" wherever the same may occur in the bill.

Which was adopted.

Mr. Pettigrew moved

To amend by inserting in section 1, after the word "locust" and words "and cottonwood."

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were, ayes, 15; nays, 6, viz:

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Kennedy, LaMoire, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Wells, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Farmer, Gamble, Huetson, Jones, Mr. President.

Absent and not voting:

Messrs. Austin, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 204. A bill for an act incorporating the city of Mayville, Traill county, Dakota.

Was read the third time.

Mr. Flittie moved

To suspend the rules, and that further reading of the bill be dispensed with.

Which motion prevailed.

Mr. Flittie offered the following amendment as a substitute for section 10, and moved its adoption, viz:

Substitute for section 10, article 12.

Sec. 10. That a special election shall be held in the village of Mayville, on the 4th Monday of March, A. D., 1855, on the question of adopting this charter, and the ballots used at said special election shall be in one of the following forms, viz: For the adoption of city charter, yes; or for the adoption of the city charter, no; and if at said special election a majority of the votes cast shall be in favor of adopting this charter, then this charter shall be deemed adopted and in force and effect, but if a majority of the votes cast at said special election shall be against the adoption of this charter, then this act and charter shall be null and void.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin and Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 240. A bill for an act to authorize Lawrence county to issue bonds for the purpose of purchasing a location and erecting a jail and to provide for the payment of the same,

Was read the third time.

Mr. Smedley moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 22; nays, none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 244. A bill for an act to define the boundaries of the county of McLean.

Was read the third time.

Mr. Pettigrew moved that

Council Bill No. 244

Be recommitted to the committee on Counties.

Which motion prevailed.

Council Bill No. 247. A bill for an act to amend an act entitled an act to incorporate the city of Canton.

Was read the third time.

Mr. Smedley moved

To suspend the rules, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Nickeus, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 209. A bill for an act to amend section 2, of chapter 3, of an act entitled an act to establish a Code of Proceedings in courts of justices of the peace, and to limit the jurisdiction of the same.

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes, 10; nays 10.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Natwick, Pettigrew, Smedley.

Those who voted in the negative were:

Messrs. Bowdle, Huetson, Kennedy, LaMoure, McLaughlin, Richardson, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Nickeus, Twomey, Wells.

So the bill was lost.

Council Bill No. 212. A bill for an act to empower School District No. 78, of Walsh county, Dakota, to issue bonds for school purposes.

Was read the third time.

Mr. McLaughlin moved

To suspend the rules, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Gamble voting in the negative.

Absent and not voting:

Messrs. Austin, Twomey and Wells.

So the bill passed, and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 74, 92, 97,

Were read the first time.

Mr. LaMoure moved

That the rules be suspended and that

House Bill No. 97

Be passed to its second reading and reference.

Which motion prevailed.

House Bills Nos. 117, 124, 126, 138, 156, 159, 162, 167, 170, 185, 205, 206, 207, 218, 221, 228,

Were read the first time.

Mr. Pettigrew moved

That the rules be suspended, and that the House Bills just read the first time be considered as read the second time, and that they be referred to their respective committees.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 97

Read the second time and referred to the committee on Counties.

House Bill No. 156

Read the second time and referred to the committee on Judiciary.

House Bill No. 228

Read the second time, and referred to the committee on Cities and Municipal Corporations.

House Bill No. 124

Read the second time and referred to the committee on Counties.

House Bill No. 159

Read the second time, and referred to the committee on Counties.

House Bill No. 126

Read the second time and referred to the committee on Territorial Affairs.

House Bill No. 170

Read the second time and referred to the committee on Agriculture.

House Bill No. 117

Read the second time and referred to the committee on Judiciary.

House Bill No. 221

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 74

Read the second time and referred to the committee on Revenue.

House Bill No. 92

Read the second time and referred to the committee on Judiciary.

House Bill No. 185

Read the second time and referred to the committee on Public Buildings.

House Bill No. 138

Read the second time and referred to the committee on Agriculture.

House Bill No. 218

Read the second time and referred to the committee on Judiciary.

House Bill No. 207

Read the second time and referred to the committee on Education

House Bill No. 206

Read the second time, and referred to the committee on Education.

House Bill No. 205

Read the second time and referred to the committee on Revenue.

House Bill No. 162

Read the second time and referred to the committee on Judiciary.

House Bill No. 167

Read the second time and referred to the committee on Counties.

THIRD READING OF HOUSE BILLS.

House Bill No. 29. A bill for an act authorizing and empowering the county commissioners of Grant county to liquidate certain illegal taxes collected for 1882.

Was read the third time.

Mr. Smedley moved

That further consideration of House Bill No. 29

Be indefinitely postponed,

Which motion prevailed.

On motion of Mr. Natwick

The Council adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,

Chief Clerk.

FORTY-FIFTH DAY.

BISMARCK, Thursday, February 26, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, the following members were absent:

Messrs. Flittie, LaMoure, Pettigrew and Walsh.

Journal of the previous day read, corrected and approved.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Smedley moved

That the rules be suspended and that

House Bill No. 25

Be taken up, read the third time and put upon its final passage.

Which motion prevailed.

House Bill No. 25. A bill for an act to change the boundary of the county of Richland, and for other purposes.

Was read the third time.

Mr. Smedley offered the following amendment and moved its adoption:

Amend by striking out all of section 3 and insert in lieu thereof the following:

The county seat of government for the county of Roberts, Dakota Territory, is hereby established at the village of Wilmot, in said county, and shall not be moved there-

from except by a vote of the people and in accordance with the general laws of the Territory.

Mr. Twomey moved as an amendment to the amendment that section 3 be stricken out without any substitution therefor.

Which motion was lost.

The question recurring upon the original amendment, it was adopted.

Mr. Gamble asked unanimous consent to be excused from voting upon the bill now under consideration.

There being no objection

Mr. Gamble was excused.

Mr. Twomey moved

That the Sergeant-at-Arms be instructed to sit at the door entering the Council Chambers and be required to maintain order,

Which motion prevailed.

And the Sergeant-at-Arms was so instructed.

The roll being called upon the final passage of House Bill No. 25

As amended there were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washbaugh, Wells, Walsh, Mr. President.

Mr. Nickeus voting in the negative.

Absent and not voting:

Messrs. Flittie and Gamble.

So the bill passed and its title was agreed to.

EXECUTIVE SESSION.

Mr. Pettigrew, moved

That the Council do now go into executive session in consideration of the Governor's sealed communications:

Which motion prevailed.

After a short time the executive session dissolved and the Council proceeded with the regular order.

REPORTS OF STANDING COMMITTEES.

BISMARCK, February 26, 1885.

MR PRESIDENT:

Your committee on Enrollment, to whom was referred

Council Bill No. 206

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Corporations to whom was referred
Council Bill No. 250

Have had the same under consideration and beg leave to
report the same back with recommendations that the bill
do pass.

W. B. CAMERON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred
Council Bills Nos. 43 and 153, and a
Substitute for
Council Bill No. 43,

Beg leave to report that they have had the same under
consideration and hereby report back a substitute for all of
said bills, and recommend that said bills as proposed to be
amended by said substitute, be considered in the Commit-
tee of the Whole and that its consideration be made a spe-
cial order for the 28th day of February at 3 o'clock in the
afternoon.

J. R. GAMBLE,
Chairman.

Mr. Westover moved

That the report of the committee be adopted, and that
the bills be made the special order for February 28th next
at 3 o'clock p. m.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Education to whom was referred
Council Bill No. 151. A bill for an act to establish In-
dependent School District No. 3, for the city of Grafton,
Walsh county, Dakota Territory.

Have had the same under consideration, and recommend
that the bill pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred
Council Bill No. 200

Have had the same under advisement, and beg leave to
report the bill back with the recommendation that it do
pass.

C. D. AUSTIN,
Chairman.

Messrs. Richardson and Flittie asked for unanimous con-
sent to present a communication at this time.

Which was granted.

Mr. Richardson presented the following invitation.

MANDAN, February 26, 1885.

*To the Governor and his Staff, the Council and House of
Representatives and their Officers, and the Representatives
of the Press in the City, with their Ladies:*

You ere hereby cordially invited to attend an informal
reception, to be given to your honorable bodies by the citi-
zens of Mandan and Morton county, at Mandan on Wednes-
day next, March 4, 1885.

J. A. McDUGAL,
W. A. CARR,
E. BOLEY,
G. H. BINGENHEIMER,
T. K. LONG,
WARREN CARPENTER, JR.
J. A. MARLETTE,
C. W. VAN SLYCK,
Committee.

Mr. Richardson moved
That the invitation be accepted.

Which motion prevailed.

Mr. Flittie offered the following communication and asked
that it be referred to the committee on Counties:

WHEREAS, We, the members of the Farmers' Club, of
Traill county, do express at our meetings the sentiments
and wishes of the majority of the residents of Traill
county; and

WHEREAS, The attention of the club has been called to
the enclosed proposed change in regard to the county com-
missioners, and know it to be the will of the people;

It is hereby resolved that we bring the measure before our representatives, and do hereby petition them to do all in their power to pass such a measure, assuring them that it is considered by our body as tending to promote the interests of all.

M. J. AKINS,
President.

The following resolution was adopted by the Taxpayers Association of Traill county, Dakota Territory.

Resolved, That it is the sentiment of this meeting of taxpayers that the present system of administration of our affairs by commissioners be abolished, and that the method of administering county affairs by township supervisors, as in vogue in some of the older eastern states, be adopted, and that the Territorial Legislature be memorialized to that end.

[Signed.]

S. C. LANTERMAN,
H. D. HURLEY,
D. CONANT,
L. C. STANFORD,
GEO. E. BOWERS,
Committee.

INTRODUCTION OF BILLS.

Mr. Walsh introduced—
Council Bill No. 267. A bill for an act to appropriate funds for certain purposes.

Which was read the first time.

Also,
Council Bill No. 268. A bill for an act entitled an act to repeal chapter 36 of the Special Laws of 1883.

Which was read the first time.

Mr. McLaughlin introduced—
Council Bill No. 269. A bill for an act to vacate certain portions of Cooper's addition to the city of Grafton.

Which was read the first time.

Mr. Huetson introduced—
Council Bill No. 270. A bill for an act defining the power of trustees of territorial institutions.

Which was read the first time.

Mr. Day introduced—

Council Bill No. 271. A bill for an act to create the office of Auditor for Spink county, Dakota.

Which was read the first time.

Mr. Walsh moved

That the further consideration of Council Bill No. 97

Be passed.

Which motion prevailed.

Mr. Walsh asked unanimous consent that

Council Bill No. 268

Be given its second reading at length.

There being no objection, the President so ordered and it was read the second time at length.

Mr. Walsh moved

That the rules be suspended and that Council Bill No. 268

Be read the third time and put upon its final passage.

Which motion prevailed.

Council Bill No. 268. A bill for an act entitled an act to repeal chapter 36 of the Special Laws of 1883,

Read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Nickeus, Pettigrew, Richardson, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 266

Read the second time and referred to the committee on Education.

Council Bill No. 264

Read the second time and referred to the committee on Judiciary.

Council Bill No. 262

Read the second time and referred to the committee on Judiciary.

Council Bill No. 261

Read the second time and referred to the committee on Counties.

Council Bill No. 260

Read the second time and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 250. A bill for an act to amend an act entitled an act to incorporate the village of Tower City.

Was read the third time.

Mr. Gamble moved

To amend by striking out "2\$5" wherever it occurs in the bill and insert in lieu thereof "\$50."

Which motion prevailed.

Mr. Gamble moved

That the word "fifty" be stricken out of section 2, and "five hundred" inserted in lieu thereof.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes, 21; nays none,

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Pettigrew, Richardson, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 180. A bill for an act to establish the independent School District of Brandon, in Minnehaha county, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Pettigrew, Richardson, Smedley, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 200. A bill for an act to amend chapter 51 and 52 of the Laws of 1883.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 23: nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Richardson not voting.

So the bill passed, and its title was agreed to.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House herewith returns

Council Bill No. 190

For an act providing a new charter for the city of Fargo.

And respectfully request that the same be correctly engrossed and then returned to the House.

Very Respectfully,

C. M. REED,
Chief Clerk House.

COMMITTEE OF THE WHOLE.

Mr. Twomey moved

To suspend the rules and that the Council now go into Committee of the Whole in consideration of Council Bill No. 190.

Which motion prevailed.

The Council at 5:20 p. m. resolved itself into Committee of the Whole.

With Mr. Smedley in the chair.

When the committee rose the following report was made:

MR. PRESIDENT:

Your committee of the Whole have considered Council Bill No. 190

Together with the request of the House that it be correctly engrossed, have compared the same with the report of the committee on Cities and Municipal Corporations, and find the same correct as it passed the Council.

A. B. SMEDLEY,
Chairman.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Nickeus moved that

Council Bill No. 190

Be considered as read the first and second times and put upon its third reading and final passage.

Which motion prevailed.

Council Bill No. 190. A bill for an act providing a new charter for the city of Fargo, D. T.

Was read the third time.

Mr. Twomey moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 24; nays none.

Those who voted in the affirmative were:

Messrs. Austin Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

So the bill passed, and its title was agreed to.

Mr. Nickeus and Mr. Austin asked for unanimous consent to introduce Council Bills at this time.

There being no objection, they were received, viz:

Council Bills Nos. 272, 273 and 274.

Mr. Gamble moved

That a committee of five be appointed to investigate the alleged changes made in the city charter of Fargo.

Which motion was adopted.

The President appointed as such committee the following persons, viz:

Messrs. Gamble, Washabaugh, Huetson, LaMoure and Austin.

On motion of Mr. Natwick

The Council adjourned until to-morrow at 2 o'clock p. m.

A. W. HOWARD,

Chief Clerk.

FORTY-SIXTH DAY.

BISMARCK, Friday, February 27, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present except Mr. Smedley, excused.

Journals for Wednesday and Thursday read, corrected and approved.

EXECUTIVE SESSION.

The Council then went into executive session.

In executive session of the Council J. W. Raymond was confirmed as Territorial Treasurer, and Joseph Ward as Superintendent of Public Instruction.

Mr. Austin moved

That the Council proceed with the order of business of yesterday.

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 151. A bill for an act establishing independent school district No. 3 for the city of Grafton, Walsh county, Dakota, and other purposes.

Was read the third time.

Mr. Twomey moved—

To suspend the rules, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were. ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Richardson, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 170. A bill for an act to amend section 4 of chapter 3 of the Political Code as amended by chapter 37 of the laws of 1879.

Was read the third time.

Mr. Gamble asked unanimous consent to move at this time that the report of the committee be adopted.

There being no objection, the President so ordered and the report was adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Nickeus, Smedley.

So the bill passed and its title was agreed to.

Mr. Cameron asked unanimous consent to move that the request of the House for the return of

Council Bill No. 105

Be granted.

There being no objection the President ordered that

Council Bill No. 105

Be so returned.

COMMITTEE OF THE WHOLE.

The President announced that the hour for the Special Order of to-day in Committee of the Whole, consideration of

Council Bill No. 2
Had arrived.

The Council went into Committee of the Whole
With Mr. Washabaugh in the chair.

When the committee rose the following report was submitted.

MR. PRESIDENT:

The Committee of the Whole have had under consideration

Council Bill No. 2. A bill for an act to regulate elevators and the weighing and inspection of grain, and report it back and recommend that it be recommitted to committee on Warehouse and Grain Grading.

F. J. WASHABAUGH,
Chairman.

Mr. Jones moved—

That the report of the committee be adopted.

Which motion prevailed.

And the bill was so referred.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 245. A bill for an act to amend an act to establish a Code of Proceedings in Courts of Justices of the Peace and to limit the jurisdiction of the same.

Was read the third time.

Mr. Twomey moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The roll being called, upon the final passage of the bill there were ayes 12, nays 9.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, LaMoure, Nickeus, Pettigrew, Washabaugh, Walsh.

Those who voted in the negative were:

Messrs. Bowdle, Huetsen, Jones, McLaughlin, Natwick, Twomey, Wagner, Wells, Mr. President.

Absent and not voting:

Messrs. Kennedy, Richardson, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 230. A bill for an act to extend and connect certain streets in the town of Madison, Lake county, Dakota Territory.

Was read the third time.

Mr. Natwick moved

That the rules be suspended, and that the further reading of the bill be dispensed with.

Which motion prevailed.

Mr. Walsh moved

For a call of the Council.

Which motion prevailed.

Mr. Pettigrew moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

BISMARCK, February 27, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives hereby returns the

Substitute for Council Bills Nos. 25 and 73, and House Bill No. 8, for an act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory.

And respectfully request that the amendments as made by the Council be properly engrossed and the bill returned to the House.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Jones moved.

That Council Bills Nos. 25 and 73 and House Bill No. 8 be referred to the committee on Engrossed and Enrolled bills.

Which motion prevailed.

The question being upon the final passage of Council Bill No. 230.

The roll being called, there were, ayes 14; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Jones, Natwick, Pettigrew, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetsen.

Absent and not voting:

Messrs. Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 119. A bill for an act amending sections 389, 390 and 416 of the Civil Code,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Natwick, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 137. A bill for an act to amend section 20 of chapter 39 of the Political Code, in relation to jurors' fees in justice courts,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Kennedy, Natwick, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Gamble, Jones, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 165. A bill for an act to legalize the acts of J. B. Hall, a notary public,

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Austin moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 161. A bill for an act to authorize the county commissioners of Deuel county to fund the outstanding indebtedness thereof,

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, LaMoure, McLaughlin, Nickeus, Smedley, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 21. A bill for an act to amend certain sections of part 2, chapter 13 of the Code of Civil Procedure, subject, exemptions,

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called, upon the final passage of the bill as amended, there were, ayes 14; nays 8.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kenneey, McLaughlin, Richardson, Twomey, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Huetson, LaMoure, Natwick, Pettigrew, Wagner, Walsh.

Absent and not voting:

Messrs. Nickeus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 184. A bill for an act to provide shades for windows in the House not already provided therewith.

Was read the third time and put upon its final passage.

The roll being called upon the final passage of the bill there were, ayes 10; nays 11.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, LaMoure, McLaughlin, Richardson, Twomey, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Huetson, Jones, Natwick, Pettigrew, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, Nickeus, Smedley.

So the bill was lost.

House Bill No. 30. A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883 concerning live stock.

Was read the third time.

Mr. Day moved that

House Bill No. 30

Be passed over to-day and taken up in its order to-morrow.

Which motion prevailed.

House Bill No. 142. A bill for an act to establish independent school district No. 1, Douglass county, Dakota Territory, and for other purposes.

Was read the third time.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:
Messrs. Natwick, Smedley.

So the bill passed and its title was agreed to.

Substitute for
House Bill No. 85. A bill for an act authorizing county boards to purchase the Dakota justice court practice, civil and criminal, for justices of the peace.

Was read the third time.

Mr. Natwick moved
That the report of the committee be adopted.
Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes 18; nays 4.

Those who voted in the affirmative were:
Messrs. Austin, Bowdle, Cameron, Day, Duncan Flittie, Gamble, Jones, Kennedy, LaMoure, Natwick, Nickeus, Richardson, Twomey, Wagner, Walsh, Mr. President.

Those who voted in the negative were:
Messrs. Huetson, Pettigrew, Washabaugh, Wells.

Absent and not voting:
Messrs. Farmer, McLaughlin, Smedley.

So the bill passed and its title was agreed to.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment, to whom was referred

Council Bills Nos. 85, 158, 206, 60, 129, 132, 173, 145, 128, 122, 107 and 104.

Beg leave to report that we have this day, February 26, at 5:05 p. m., presented the same to His Excellency, the Governor, for his signature and approval.

Also,

Council Bills Nos. 235 and 239,

Beg leave to report the same back as correctly enrolled.

Also,

Substitute for

Council Bills Nos. 25 and 73 and

House Bill No. 8,

Beg leave to report the same back as correctly engrossed.

CHARLES RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 264. A bill for an act to authorize the Board of County Commissioners of Minnehaha, Miner, Lake and Kingsbury counties to aid certain persons whose crops were destroyed by storm,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Substitute for

House Bill No. 85. A bill for an act authorizing county boards to purchase the Dakota Justice Court Practice, Civil and Criminal, for Justices of the Peace.

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 230

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 179. A bill for an act to amend section 4 of chapter 3 of the Political Code, as amended by chapter 37 of the laws of 1879.

Have had the same under consideration and beg leave to report the same back with the following amendments, and recommendation that the bill do pass as amended.

Strike out the words "the district of" wherever they occur before the word "Dakota" in section 1 of said act.

Also,

Amend said section 1 by striking out the words "each member" where they occur before "the words of the board of county commissioners," and insert in lieu thereof the word "chairman."

J. R. GAMBLE.
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 245. A bill for an act to amend an act to establish a code of proceedings in courts of justices of the peace and to limit the jurisdiction of the same.

Have had the same under consideration, and the following members thereof beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
JOHNSON NICKEUS,
C. D. AUSTIN,
GEO. R. FARMER.

MR. PRESIDENT:

We the undersigned members of your Judicial committee to whom was referred

Council Bill No. 245. A bill for an act to establish a code of proceedings in courts of justices of the peace, and to limit the jurisdiction of the same,

Have had the same under consideration, and beg leave to report it back with the recommendation that it do not pass.

F. J. WASHABAUGH,
P. McLAUGHLIN,
J. H. WESTOVER,
H. H. NATWICK.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

Council Bills Nos. 254 and 256,

And

House Bills Nos. 221 and 228,

Have had the same under consideration and recommend their passage.

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That that part of the report relating to House Bill No. 228 be adopted.

Which motion prevailed.

Mr. Twomey moved

To suspend the rules, and that
House Bill No. 228

Be taken up and put upon its third reading and final passage.

Which motion prevailed.

House Bill No. 61. A bill for an act providing for a charter for the city of Wahpeton,

Was read the third time.

Mr. Twomey moved

That the rules be suspended and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, McLaughlin, Natwick, Smedley, Walsh.

So the bill passed and its title was agreed to.

INTRODUCTION OF BILLS.

Mr. Austin introduced—

Council Bill No. 272. A bill for an act to change the boundary line of the county of Richland,

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 273. A bill for an act to amend section 718 of the Code of Civil Procedure,

Which was read the first time.

Also,

Council Bill No. 274. A bill for an act making appropriations to pay George Hughes and Charles Hawley for services as pages of the Council,

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 275. A bill for an act providing for printing and binding the laws of 1885,

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 276. A bill for an act to amend section 1,745 of the Civil Code,

Which was read the first time.

Also,

Council Bill No. 277. A bill for an act authorizing the board of county commissioners of Cass county to issue

bonds for the purpose of funding the indebtedness of the road and bridge fund,

Which was read the first time.

Also,

Council Bill No. 278. A bill for an act authorizing the board of Cass county, Dakota Territory, to issue bonds for finishing and furnishing the court house,

Which was read the first time.

Mr. Kennedy introduced—

Council Bill No. 297. A bill for an act to amend the charter of the city of Aberdeen, in the county of Brown, Dakota Territory,

Which was read the first time.

Mr. Kennedy moved

That the rules be suspended and that

Council Bill No. 279

Be put upon its second reading and reference.

Which motion prevailed.

Council Bill No. 279

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Nickeus introduced—

Council Bill No. 280. A bill for an act to change the name of certain churches in Bon Homme county.

Which was read the first time.

Also,

Council Bill No. 281. A bill for an act to compensate the clerks, stenographers and other subordinate officers of Sixteenth Legislative Assembly for mileage.

Which was read the first time.

Also,

Council Bill No. 282. A bill for an act to revise and amend the charter of the city of Bismarek, approved January 14, 1875.

Mr. Nickeus moved

To suspend the rules and that

Council Bill No. 282

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 282

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Twomey moved

To suspend the rules and that
Council Bills Nos. 277 and 278

Be passed to their second reading and reference.

Which motion prevailed.

Council Bill No. 277

Read the second time and referred to the committee on Revenue.

Council Bill No. 278

Read the second time and referred to the committee on Counties.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 27, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 85. A bill for an act to appropriate funds to pay the expenses of the militia to Spink county, Dakota, December 12, 1884.

Also,

Council Bill No. 107. A bill for an act to amend section 47 of the Justices Code of the Territory of Dakota.

Also,

Council Bill No. 60. A bill for an act to revive and re-enact chapter 4 of the Session Laws of 1883.

Also,

Council Bill No. 129. A bill for an act to authorize school district No. 18, Cass county, to issue bonds to build school house.

Also,

Council Bill No. 173. A bill for an act to vacate Hammer's second edition to the city of Mitchell.

Also,

Council Bill No. 145. A bill for an act to amend sections 423 and 424 of the Code of Criminal Procedure.

Also,

Council Bill No. 128. A bill for an act establishing independent school district No 4, Lake County, Dakota.

Also,

Council Bill No. 122. A bill for an act to vacate certain portions of the townsite of Oriska.

Also,

Council Bill No. 104. A bill for an act to amend section 416 of the Code of Criminal Procedure of the Territory of Dakota.

Also,

Council Bill No. 206. A bill for an act to provide for the issue of bonds to aid in the construction of a court house and jail for the county of Walsh.

GILBERT A. PIERCE,
Governor.

Mr. Austin asked unanimous consent to offer a resolution at this time, and there being no objection the resolution was received.

Resolved, That the committee appointed to investigate the matter of the alleged changes in the charter of the city of Fargo be authorized and empowered to send for persons and papers, and to administer oaths to witnesses examined.

Mr. Austin moved
The adoption of the resolution.
Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 267.

Read the second time and referred to the committee on Elections.

Council Bill No. 268

Read the second time and referred to the committee on Appropriations.

Council Bill No. 269

Read the second time and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 254. A bill for an act to incorporate the city of Fairbank.

Was read the third time.
Mr. Austin moved

That the rules be suspended, and that the further reading of the bill be dispensed with.

The roll being called upon the final passage of the bill as amended there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, LaMoure, McLaughlin, Richardson, Smedley.

Council Bill No. 264. A bill for an act to authorize the board of county commissioners of Minnehaha, Miner, Lake and Kingsbury counties to aid certain persons whose crops were destroyed by storm.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Richardson, Twomey, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Austin, Day, LaMoure, McLaughlin, Nickeus, Smedley.

So the bill passed and its title was agreed to.

Mr. Farmer moved

That the Council now adjourn.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FORTY-SEVENTH DAY.

BISMARCK, Saturday, February 28, 1895.

The Council met pursuant to adjournment, and was called to order by the President.

The chaplain being absent

Prayer was not offered.

The roll being called, the following members were absent:

Messrs. Cameron, Day, Duncan, LaMoure, Smedley.

The Journal of the previous day read, corrected and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Huetsen presented a petition from the citizens of Vermillion relating to the suppression of the sale of liquor within three miles of the Territorial University at Vermillion.

The President ordered if there was no objection the chaplain would be excused from attendance to-day.

There being no objection

The President so ordered.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Education to whom was referred House Bill No. 206. A bill for an act to amend an act to annex certain territory to the Vermillion city school district and other purposes.

Have had the same under consideration and beg leave to report the same back recommending that it do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 192.

Have had the same under consideration, and beg leave to report the same back with the recommendation that the bill do pass.

W. B. CAMERON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred

Council Bill No. 253. A bill for an act authorizing and directing the county commissioners of Lawrence county to settle with and release the sureties upon the official bond of Robert Neill, formerly treasurer of said county upon certain conditions.

Have had the same under consideration and beg leave to report the same back with the recommendation that the bill do pass.

Also,

Council Bill No. 189

Have had the same under consideration and beg leave to report the same back with the following amendment, and recommend the bill do pass as amended.

Amend section 1 of said bill by inserting after the word "file," where it occurs in the twelfth line of said section, the words "for record," and strike out the words "on an order therefor" where they occur in said section.

Also,

Council Bill No. 228. A bill for an act to provide for taking depositions in criminal cases.

Have had the same under consideration and beg leave to report it back with the recommendation that the bill do pass.

Also,

Council Bill No. 260. A bill for an act supplementary to the explanatory of chapter 38 of the Political Code.

Have had the same under consideration and beg leave to

report the same back with the recommendation that it do pass.

Also,

Council Bill No. 243,

And beg leave to report that they have had the same under consideration, and report the same back with certain amendments thereto.

And recommend its passage as amended.

Amend the title to said bill so that it will read:

"A bill for an act to amend sections 104 and 101, and to repeal section 106 of the Code of Civil Procedure."

Amend section 1 by inserting after the words "sheriff of the county," where they occur therein, the words "to that effect."

Add at the end of subdivision 1 of section 1 the words "or the cause of action arose therein."

Also,

Amend said section 1 by striking out all of subdivision 6.

Also,

Amend said section 1 by striking out the words "in the cases provided in this section," where those words occur in said section 1 following the said several subdivisions therein.

Strike out section 3 of said act, and insert in lieu thereof the following:

"Sec. 3. Section 101 of the Code of Civil Procedure is hereby amended by striking out therefrom the words "on an order therein."

Strike out the words "at the capital of the territory," and insert in lieu thereof the words "within the judicial district."

Also,

Council Bill No. 218. A bill for an act defining the boundaries of the Fourth Judicial District, and fixing the time for holding court therein,

Have had the same under consideration and beg leave to report it back with the recommendation that the bill do pass.

Also,

House Bill No. 146. A bill for an act to amend section 569 of the Civil Code.

Have had the same under consideration and beg leave to

report the same back with the recommendation that it do pass.

Also,

Council Bill No. 192. A bill for an act to repeal sections 12 and 13 of chapter 43 of the Session Laws of 1883.

Have had the same under consideration and recommend that the bill be amended by striking out section 3, and that the bill as so amended do pass.

Also,

Council Bill No. 249. A bill for an act to create a new subdivision of the Third Judicial District.

Have had the same under advisement and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred House Bill No. 207. A bill for an act to prevent the sale of intoxicating liquors within three miles of the Dakota University, in the city of Vermillion, county of Clay, Territory of Dakota, except for medicinal purposes.

Beg leave to report the same back with a substitute, and recommend that the substitute do pass.

Also,

To whom was referred

Council Bill No. 265. A bill for an act to establish independent school district of Howard, Miner county, Dakota.

Have had the same under consideration, and beg leave to report the bill back and recommend that it do pass:

Also,

Council Bill No. 266. A bill for an act establishing independent school district of Gilman, Lake county, Dakota.

Have had the same under consideration and beg leave to report it back and recommend that it do pass.

S. P. WELLS,
Chairman.

BISMARCK, Saturday, February 28, 1885.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment, to whom was referred

Council Bills Nos. 247, 234 and 229

Beg leave to report the same back as correctly enrolled.

Also,

Council Bills Nos. 154, 11, 99 and 135,

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Walsh moved

That the vote by which

House Bill No. 184

Was lost, be reconsidered.

Which motion prevailed.

Mr. Twomey moved

That the House amendments to

Council Bills Nos. 149 and 150

Be concurred in.

Which motion prevailed.

The President stated that if there was no objection,

Council Bill No. 184

Would be placed upon the calendar and come up under third reading of Council bills.

There being no objection, the President so ordered.

MESSAGES FROM THE HOUSE.

BISMARCK, February 28, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following bills, to-wit:

House Bill No. 188. A bill for an act to amend section 72 of an act entitled an act incorporating the city of Deadwood.

Also,

House Bill No. 189. A bill for an act to amend subdivision first of section 12, of an act entitled an act incorporating the city of Deadwood.

Also,

House Bill No. 190. A bill for an act to repeal subdivision second of section 12 of an act entitled an act incorporating the city of Deadwood.

Also,

House Bill No. 195. A bill for an act to vacate portions of the townsite of Springfield, Bon Homme county, and for other purposes.

Also,

House Bill No. 196. A bill for an act to amend the charter of the city of Vermillion, and an act amending said charter.

Also,

House Bill No. 198. A bill for an act to amend section 414 of the Code of Civil Procedure.

Also,

House Bill No. 215. A bill for an act authorizing the board of county commissioners of Aurora county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 222. A bill for an act for a Joint Resolution asking for the opening of the Wahpeton and Sisseton Indian reservations.

Also,

House Bill No. 223. A bill for an act providing for struck juries.

Also,

House Bill No. 226. A bill for an act to amend certain sections of chapter 39 of the Political Code.

Also,

House Bill No. 227. A bill for an act providing a method for changing the names of towns and villages with an amendment to section 5, and which is attached to the bill.

Also,

House Bill No. 234. A bill for an act to fund the indebtedness of the town of Plankinton, Aurora county.

Also,

House Bill No. 238. A bill for an act to secure the public health and safety against unwholesome provisions.

Also,

House Bill No. 241. A bill for an act to establish the Independent School District of Grandview, in the county of Douglas, Dakota, and for other purposes.

Also,

House Bill No. 245. A bill for an act concerning corporations and persons engaged in the business of banking.

Also,

House Bill No. 248. A bill for an act authorizing the county commissioners of Edmunds county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 252. A bill for an act authorizing the board of county commissioners of Custer county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 253. A bill for an act entitled an act to legalize the location of the county seat of Sanborn county.

Also,

House Bill No. 258. A bill for an act authorizing the board of county commissioners of Union county to refund the outstanding indebtedness thereof.

Also,

House Bill No. 285. A bill for an act to repeal chapter 36, of the Session laws of 1883.

All of which are herewith transmitted and a concurrence in the same by your honorable body is respectfully requested.

Also,

I am requested to announce to your honorable body that the House of Representatives has had under consideration and concurred in the following Council bills, to wit:

Council Bill No. 19. A bill for an act to provide for the incorporation of street railway companies, and for other purposes.

Also,

Council Bill No. 75. A bill for an act creating the county of Marshall and defining the boundaries of Day county.

Also,

Council Bill No. 105. A bill for an act to fund the outstanding indebtedness of Lake county.

To which the House has made amendments and which are attached to the bill.

Also,

Council Bill No. 112. A bill for an act to amend section 9 of chapter 39 of the Political Code.

Adopted February 11, to which the House has made an amendment to section 1 and which is attached to the bill.

Also,

Substitute for

Council Bills Nos. 149 and 150. A bill for an act to amend the charter of the city of Grafton.

To which the House has made an amendment to section 3 and which is attached to the bill.

Also,

Council Bill No. 159. A bill for an act entitled an act to amend section S2 of article 7 of an act entitled an act to incorporate the city of Grand Forks.

Also,

Council Bill No. 173. A bill for an act to vacate the town of Denton, Sanborn county, Dakota.

Also,

Council Bill No. 184. A bill for a Memorial to Congress for an appropriation to improve the navigation of the James river.

Also,

Council Bill No. 268. A bill for an act entitled an act to repeal chapter 36 of the Special Laws of 1883.

And which are herewith transmitted and a concurrence in the same by your honorable body is respectfully submitted.

Very Respectfully,

C. M. REED,
Chief Clerk House.

INTRODUCTION OF BILLS.

Mr. Twomey introduced—

Council Bill No. 283. A bill for an act to amend the charter of the city of Casselton.

Which was read the first time.

Mr. Twomey moved

That the rules be suspended and that

Council Bill No. 283

Be put upon its second reading and reference.

Which motion prevailed.

Council Bill No. 287

Was then read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Kennedy introduced—

Council Bill No. 284. A bill for an act to consolidate the counties of Hamlin and Codrington, and to allow the electors to vote thereon.

Which was read the first time.

Mr. Kennedy moved
To suspend the rules and that
Council Bill No. 284

Be put upon its second reading and reference to the members of the Sixth and Seventh Districts.

Which motion prevailed.

House Bill No. 284

Was then read the second time and referred to the members of the Sixth and Seventh District.

Mr. Farmer introduced—

Council Bill No. 285. A bill for an act creating a Judicial sub-division of the Second Judicial District and fixing the time of holding court therein.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Nickeus moved
That the Council concur in House amendments to
Council Bill No. 97

Which motion prevailed.

Mr. Cameron moved
That the Council concur in House amendments to
Council Bill No. 105

Which motion prevailed.

Mr. Pettigrew moved
That the Council concur in House amendments to
Council Bill No. 112

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 280

Read the second time and referred to the committee on Counties.

Council Bill No. 272

Read the second time and referred to the committee on Counties.

Council Bill No. 273

Read the second time and referred to the committee on Judiciary.

Council Bill No. 281

Read the second time and referred to the committee on Appropriations.

Council Bill No. 271

Read the second time and referred to the committee on Counties.

Council Bill No. 275

Read the second time and referred to the committee on Public Printing.

Council Bill No. 276

Read the second time and referred to the committee on Judiciary.

Council Bill No. 270

Read the second time and referred to the committee Judiciary.

Council Bill No. 274

Read the second time and referred to the committee on Appropriation.

Council Bill No. 266. A bill for an act establishing independent school district of Gilmore, Lake county, Dakota.

Was read the third time as amended and put upon its final passage.

The roll being called, there were ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Flittie, Gamble, LaMoure, Nickeus, Smedley, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 265. A bill for an act to establish independent school district of Howard, Minnehaha county, Dakota,

Was read the third time.

Mr. Farmer moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Flittie, LaMoure, Pettigrew, Smedley, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 249. A bill for an act to create a new subdivision of the Third Judicial District.

Was read the second time.

Mr. Gamble moved that
Council Bill No. 249
Be recommitted.

Which motion prevailed.

Council Bill No. 192. A bill for an act to repeal sections 12 and 13 of chapter 43 of the Session Laws of 1883.

Was read the third time.

Mr. Jones moved
The adoption of the reports of the committee.

Which motion prevailed.

Mr. Pettigrew moved that
Council Bill No. 192
Be recommitted to the committee on Judiciary.

Which motion prevailed.

Council Bill No. 243. A bill for an act to amend section 104 and to repeal section 106 of the Code of Civil Procedure of this Territory.

Was read the third time.

Mr. Farmer moved
That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nick-eus, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Duncan, LaMoure, Pettigrew, Smedley, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 253. A bill for an act authorizing and directing the county commissioners of Lawrence county to settle with and release the sureties upon the official bond of Robert Neill, formerly treasurer of said county, upon certain conditions.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nick-eus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Duncan, LaMoure, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 260. A bill for an act supplementary to and explanatory of chapter 38 of the Political Code.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Duncan, Flittie, LaMoure, Smedley.

So the bill passed and its title agreed to.

Council Bill No. 228. A bill for an act to provide for taking depositions in criminal cases.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, Natwick, Richardson, Wagner, Mr. President.

Those who voted in the negative were:

Messrs. McLaughlin, Washabaugh.

Absent and not voting:

Messrs. Cameron, Day, Kennedy, Nickeus, Pettigrew, Smedley, Twomey, Wells, Walsh.

So the bill passed, and its title was agreed to.

Messrs. Richardson, LaMoure and Natwick asked unanimous consent to introduce bills at this time.

There being no objection, the President so ordered, and they were introduced but not read.

Mr. Natwick introduced—

Council Bill No. 288. A bill for an act to vacate certain portions of Martin & Scobey's addition to the city of Brookings, Brookings county, Dakota.

Which was read the first time.

Mr. LaMoure introduced—

Council Bill No. 285. A bill for an act defining the boundaries of Cavalier county, and for other purposes.

Which was read the first time.

Mr. Richardson introduced—

Council Bill 287. A bill for an act to amend section 7, chapter 63 of the Laws of 1881, entitled an act for the protection and encouragement of sheep husbandry and providing a bounty for wolf scalps.

Which was read the first time.

Council Bill No. 257. A bill for an act to amend an act providing a board of education for the city of Jamestown, Dakota Territory, and regulating the management of public schools,

Was read the third time.

Mr. Farmer moved

To suspend the rules, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, McLaughlin, Natwick, Richardson, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Kennedy, LaMoure, Nickeus, Pettigrew, Smedley, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. Duncan moved

That the Council take a recess until 2 o'clock p. m.

There being no objection, the President so ordered.

2 P. M.

The Council were convened at 2 p. m.

Council Bill No. 256. A bill for an act to provide for the construction of sidewalks in incorporated villages and towns.

Was read the third time.

Mr. Washabaugh moved

That the bill be re-committed to the committee on Judiciary.

Which motion prevailed.

Council Bill No. 142. A bill for an act to amend section 101 of the Code of Civil Procedure,

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, Natwick, Nickeus, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh. Mr. President.

Absent and not voting:

Messrs. Austin, Day, Kennedy, McLaughlin, Pettigrew, Smedley.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 188, 189, 190, 195, 196, 198, 215, 222, 223, 226, 227, 234, 238, 241, 245, 248, 252, 253, 258, 285

Were read the first time.

Mr. Walsh moved

That the House Bills just read the first time be considered as read the second time and referred to the proper committee.

Which motion prevailed.

Mr. Washabaugh moved

To suspend the rules, and that

House Bills Nos. 188, 189 and 190

Be put upon their third reading and final passage.

Which motion prevailed.

House Bill No. 188. A bill for an act to amend section 72 of an act entitled an act incorporating the city of Deadwood,

Was read the third time and put upon its final passage.

And the roll being called, there were, ayes 16; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Duncan, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Day, Farmer, Gamble, LaMoure, Smedley

So the bill passed and its title was agreed to.

House Bill No. 189. A bill for an act to amend subdivision 1 of section 12 of an act entitled an act incorporating the city of Deadwood.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, LaMoure, McLaughlin, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 190. A bill for an act to repeal subdivision 2 of section 12 of an act entitled an act incorporating the city of Deadwood.

Was read the third time and put upon its final passage.
The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, LaMoure, McLaughlin, Smedley.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 188

Read the second time and referred to the committee on Judiciary.

House Bill No. 189

Read the second time and referred to the committee on Judiciary.

House Bill No. 190

Read the second time and referred to the committee on Judiciary.

House Bill No. 226

Read the second time and referred to the committee on Judiciary.

House Bill No. 223

Read the second time and referred to the committee on Judiciary.

House Bill No. 222

Read the second time and referred to the committee on Judiciary.

House Bill No. 215

Read the second time, and referred to the committee on Counties.

House Bill No. 198

Read the second time and referred to the committee on Judiciary.

House Bill No. 196

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 195

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 227

Read the second time and referred to the committee on Judiciary.

House Bill No. 234

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 238

Read the second time and referred to the committee on Public Health.

House Bill No. 241

Read the second time, and referred to the committee on Education.

House Bill No. 245

Read the second time and referred to the committee on Banks and Banking.

House Bill No. 248

Read the second time, and referred to the committee on Counties.

House Bill No. 252

Read the second time and referred to the committee on Counties.

House Bill No. 253

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 258

Read the second time, and referred to the committee on Counties.

House Bill No. 285

Read the second time and referred to the committee on Education.

COMMITTEE OF THE WHOLE.

The President announced that the hour had arrived for the special consideration of

Substitute for
Council Bill No. 45.

In Committee of the Whole.

The Council then went into Committee of the Whole
With Mr. Walsh in the chair.

When the Committee rose, the following report was submitted:

MR. PRESIDENT:

The Council in Committee of the Whole, to whom was referred

Substitute for

Council Bill No. 45. A bill for an act to establish Territorial and City Boards of Health, and providing for the protection of the health of persons and animals.

Have had the same under consideration and instruct me to report the bill back with an amendment, and as amended recommend the passage of the substitute bill.

GEORGE H. WALSH,
Chairman.

Mr. Austin moved

That the report of the committee be adopted.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 28, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 158. A bill for an act to incorporate the city of Sioux Falls.

Also,

Council Bill No. 132. A bill for an act authorizing the Treasurer of Traill county to transfer certain funds into the county fund.

GILBERT A. PIERCE,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 45. A bill for an act to establish Territorial and County Boards of Health and providing for the protection of the health of persons and animals.

Was read the third time as amended and put upon its final passage.

The roll being called, there were, ayes 13; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Richardson, Twomey, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Wagner, and Walsh.

Absent and not voting:

Messrs. Cameron, Day, Farmer, Flittie, LaMoure, McLaughlin, Nickeus, Smedley, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Pettigrew asked unanimous consent to introduce a bill at this time and have it read the first time.

There being ny objection

The President so ordered.

Council Bill No. 289. A bill for an act to repeal sections 64, 65, 66, 67 and 68 of chapter 112 of the Session Laws of 1883.

Which was read the first time.

House Bill No. 192. A bill for an act authorizing the county of Fall River to construct a county bridge over the Cheyenne river and to issue bonds therefor.

Was read the third time.

Mr Austin moved

That the rules be suspended and the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Gamble, Huetson, Jones, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Farmer, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 146. A bill for an act to amend section 569 of the Civil Code.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Farmer, Flittie, LaMoure, Nick-eus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 128. A bill for an act locating the county seat of Brule county.

Was read the third time.

Mr. Bowdle moved

To recommit to the committee on Counties.

Mr. Pettigrew moved

To amend by referring the bill to the committee on Cities and Municipal Corporations.

Which was lost.

Upon the call of sixteen members the President ordered a call of the House.

The President ordered the Sergeant-at-Arms to close the doors of the House and bring the absentees before the bar of the Council.

Mr. Jones moved

That the further proceedings under the call be dispensed with

Which motion prevailed.

Mr. Jones moved.

That the further consideration of

House Bill No. 128

Be postponed until one week from to-day.

Mr. Bowdle moved—

To amend by making it the special order for next Tuesday at 3 o'clock p. m.

Yeas any nays called for on the amendment.

The roll being called, there were, ayes 11; nays 10.

Those who voted in the affirmative were:

Messrs. Bowdle, Flittie, Huetson, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Wagner, and Walsh.

Those who voted in the negative were:

Messrs. Austin, Cameron, Duncan, Gamble, Jones, Natwick, Pettigrew, Washabaugh, Wells and Mr. President.

Absent and not voting:

Messrs. Day, Farmer and Smedley.

So the motion was carried and
House Bill No. 128

Was made the special order for Tuesday next at 3 o'clock
p. m.

House Bill No. 206. A bill for an act to amend an act
entitled an act to annex certain territory to the Vermillion
city school district, and other purposes.

Was read the third time.

Mr. Gamble moved—

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill as
amended, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer,
Flittie, Gamble, Huetson, Jones, Kennedy, LaMoire, Mc-
Laughlin, Natwick, Wagner, Washabaugh, Walsh, Mr. Pres-
ident.

Absent and not voting:

Messrs. Day, Nickeus, Pettigrew, Richardson, Smedley,
Twomey, Wells.

So the bill passed and its title was agreed to.

House Bill No. 218. A bill for an act defining the boun-
daries of the Fourth Judicial District and fixing the time
for holding court therein.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Duncan, Farmer, Flittie, Gamble, Huet-
son, Jones, Kennedy, LaMoire, Natwick, Pettigrew, Two-
mey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Day, McLaughlin, Nickeus,
Richardson, Smedley, Wells.

So the bill passed and its title was agreed to.

House Bill No. 221. A bill for an act authorizing the
trustees of the city of Groton, county of Brown, to extend
the time for the collection of taxes of the year 1884.

Was read the third time and put upon its final pas-
sage.

The roll being called, there were, ayes, 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wells, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 30. A bill for an act to amend section 1 of chapter 55 of the Session Laws of 1883 concerning live stock.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Twomey, Wagner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wells, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 207. A bill for an act to prevent the sale of intoxicating liquors within three miles of Dakota University, in the city of Vermillion, county of Clay, Territory of Dakota, except for medicinal and mechanical purposes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Richardson, Twomey, Wagner, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, LaMoure, Natwick, Pettigrew.

Absent and not voting:

Messrs. Day, Nickeus, Smedley, Wells, Walsh.

So the bill passed, and its title was agreed to.

Mr. Twomey moved

To reconsider the vote by which the bill passed and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Jones moved
That the Council now adjourn.

Mr. Bowdle moved
To amend by adjourning until 2 o'clock p. m. Monday next.

Amendment adopted.

The original motion as amended was then adopted.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FORTY-NINTH DAY.

BISMARCK, Monday, March 2, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present except Mr. Duncan.

The Journal of the previous day not read.

REPORTS OF STANDING COMMITTEES.

BISMARCK, March 2, 1885.

MR. PRESIDENT:

Your committee on House Bill and File, to whom was referred

House Bill No. 46,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

W. B. CAMERON,
Chairman.

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 244. A bill for an act to define the boundaries of the county of McLean.

Beg leave to report that they have had the same under consideration, and report the same back with a substitute for section 2 of said bill, and recommend that said bill as amended do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred Council Bill No. 217. A bill for an act to amend section 4 of the act entitled an act providing for the erection of a court house and jail for Walsh county, Dakota Territory,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

Council Bills Nos. 283, 269 and 282,

Also,

House Bills Nos. 253, 196, 195 and 234,

Have had the same under consideration and recommend their passage.

JUDSON LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred Council Bill No. 225. A bill for an act to improve the public school system of the city of Pierre,

Have had the same under consideration, and beg leave to report the same and recommend the bill do pass.

S. P. WELLS,
Chairman.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, February 27, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 11. A bill for an act establishing the North Dakota Hospital for the Insane, etc.

Also,

Council Bill No. 99. A bill for an act providing for the issue of bonds to build a court house and jail in Wells county.

Also,

Council Bill No. 154. A bill for an act to authorize School District No. 7, Cass county, to issue bonds and to build school house.

Also,

Council Bill No. 135. A bill for an act amendatory of an act to incorporate the city of Grand Forks.

GILBERT A. PIERCE,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Twomey offered the following resolution:

Resolved, That the Council respectfully request the House to return to this body
Council Bill No. 250.

Mr. Twomey moved

The adoption of the same.

Which motion prevailed.

Mr. Flittie moved that

Council Bill No. 148

Be taken from the table and referred to the committee on Counties.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Westover introduced—

Council Bill No. 290. A bill for an act establishing the Independent School District of Woonsocket, Sanborn county, Dakota,

Which was read the first time.

Mr. Bowdle introduced—

Council Bill No. 291. A bill for an act entitled an act providing for the funding of the outstanding indebtedness of the city of Mitchell.

Which was read the first time.

Also,

Council Bill No. 292. A bill for an act entitled an act to vacate certain blocks in Marion Junction.

Which was read the first time.

Mr. LaMoure introduced—

Council Bill No. 286. A bill for an act defining the boundaries of Cavalier county, and for other purposes.

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 287. A bill for an act to amend section 7 of chapter 63, of the Laws of 1881, entitled an act for the protection and encouragement of sheep husbandry, and providing a bounty for wolf scalps.

Which was read the first time.

Mr. LaMoure moved

To suspend the rules and that

Council Bill No. 286

Be passed to its second reading and referred.

Which motion prevailed.

Council Bill No. 286,

Read and referred to the committee on Counties.

Mr. Natwick introduced—

Council Bill No. 288. A bill for an act to vacate certain portions of Mathews & Scobey's addition to the city of Brookings, Brookings county, Dakota.

Which was read the first time.

Mr. Natwick moved

To suspend the rules, and that

Council Bill No. 288

Be passed to its second reading and referred.

Which motion prevailed.

Council Bill No. 288.

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Wagner introduced—

Council Bill No. 293

A memorial to congress praying that General Grant be placed on the retired list.

Which was read the first time.

Mr. Gamble moved

To suspend the rules, and that

Council Bill No. 293

Be read the second and third time and put upon its final passage.

Which motion prevailed.

Council Bill No. 293

A memorial to congress praying that General Grant be placed on the retired list.

Was read the second and third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Twomey, Wagner, Washbaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

Messrs. Jones and Walsh asked unanimous consent to introduce bills at this time and have them read the first time.

There being no objection

The President so ordered.

Mr. Walsh introduced—

Council Bill No. 295. A bill for an act entitled an act to authorize a special election in the county of Steele.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 294. A bill for an act entitled an act to vacate certain town plats and additions.

Which was read the first time.

Mr. Jones introduced—

Council Bill No. 105. A bill for an act establishing independent school district No. 1, of Hutchinson county, Dakota.

Which was read the first time.

Mr. Walsh moved

To suspend the rules and that
Council Bills Nos. 294 and 295

Be read the second time and referred to their proper committees.

Which motion prevailed.

Council Bill No. 294

Read the second time and referred to the committee on Judiciary.

Council Bill No. 295

Read the second time, and referred to the committee on Judiciary.

Mr. Westover moved

To suspend the rules and that

Council Bill No. 290

Be read the second time and referred to the proper committee.

Which motion prevailed.

Council Bill No. 290

Read the second time and referred to the committee on Education..

EXECUTIVE SESSION.

Mr. Smedley moved

That the Council now go into executive session in consideration of the Governor's sealed message.

Which motion prevailed.

In executive session John W. Cowen was confirmed as assistant superintendent of public instruction, and Ernest W. Caldwell was confirmed as territorial auditor.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 288

Read the second time and referred to the committee on Judiciary.

Council Bill No. 289

Read the second time and referred to the committee on Judiciary.

Mr. Flittie moved to suspend the rules and that

Council Bill No. 294

Be referred to the committee on Counties instead of the committee on Judiciary.

Which motion prevailed.

Mr. Wagner and Mr. Bowdle asked unanimous consent to introduce bills at this time and hour, and that they be read the first time.

There being no objection the President so ordered.

Mr. Bowdle introduced—

Council Bill No. 298. A bill for an act authorizing the board of county commissioners of Dawson county to fund the outstanding indebtedness of said county.

Which was read the first time.

Mr. Wagner introduced—

Council Bill No. 297. A bill for an act authorizing the county commissioners of Bon Homme county to fund outstanding indebtedness of said county.

Which was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 279. A bill for an act to amend the charter of the city of Aberdeen, in the county of Brown, Dakota Territory.

Was read the second time.

Mr. Kennedy moved

That the bill be recommitted to the committee on Corporations.

Which motion prevailed.

Council Bill No. 269. A bill for an act to vacate certain portions of Cooper's addition to the city of Grafton.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, McLaughlin, Twomey, Wells. Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Cameron, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 244. A bill for an act to define the boundaries of the county of McLean.

Was read the third time and put upon its final passage.

The roll being called upon the final passage of the bill there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie.

Gamble, Huetsen, Jones, Kennedy, Twomey, Wells, Mr. President.

Absent and not voting:

Messrs. Cameron, LaMoure, McLaughlin, Natwick, Nick-eus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 217. A bill for an act to amend section 4 of an act entitled an act providing for the erection of a court house and jail for Walsh county, Dakota.

Was read the third time and put upon its final passage.

The roll being called upon the final passage of the bill, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, McLaughlin, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Gamble, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 204. A bill for an act establishing independent school district of Fairbank, Sully county, Dakota,

Was read the third time.

Mr. Westover moved

To refer the bill to the committee on Judiciary.

Which motion prevailed.

Council Bill No. 225. A bill for an act to improve the public school system of the city of Pierre,

Was read the third time.

Mr. Bowdle moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, upon the final passage of the bill as amended, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Nickeus, Twomey, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, LaMoure, Natwick, Pettigrew, Richardson, Smedley, Wagner, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 283. A bill for an act to amend the charter of the city of Casselton.

Was read the third time.

Mr. Twomey moved

To suspend the rules and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 12; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Twomey, Wells, Walsh, Mr. President.

Mr. McLaughlin voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 282. A bill for an act to revise and amend the charter of the city of Bismarek, approved January 14, 1875.

Was read the third time.

Mr. LaMoure moved

That the rules be suspended, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Twomey, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, Natwick, Pettigrew, Richardson, Smedley, Wagner, Washabaugh.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

BISMARCK, D. T., March 2, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 87. A bill for an act supplementary to chapter 28 of the Political Code, entitled Revenue, and to authorize the bringing of delinquent taxes, and to regulate proceedings therein.

GILBERT A. PIERCE,
Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 196. A bill for an act to amend the charter of the city of Vermillion and an act amending said charter.

Was read the third time.

Mr. Heutson moved

To suspend the rules, and that the further reading of the same be dispensed with.

And so the motion prevailed.

The roll being called upon the final passage of the bill as amended there were, ayes, 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Nickeus, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Kennedy, Natwick, Pettigrew, Richardson, Smedley, Wagner.

So the bill passed and its title was agreed to.

House Bill No. 234. A bill for an act to fund the indebtedness of the town of Plankinton, Aurora county.

Was read the third time.

Mr. Twomey moved to suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, upon the final passage of the bill there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Nickeus, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Kennedy, Natwick, Pettigrew, Richardson, Wagner.

So the bill passed and its title was agreed to.

House Bill No. 253. A bill for an act entitled an act to legalize the location of the county seat of Sanborn county.

Was read the third time and put upon its final passage.

The roll being called upon the final passage of the bill, there were, ayes, 15; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Huetson, Kennedy, McLaughlin, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Mr. Cameron voting in the negative.

Absent and not voting:

Messrs. Austin, Gamble, Jones, LaMoure, Natwick, Nickeus, Pettigrew, Wagner.

So the bill passed and its title was agreed to.

Mr. Bowdle moved

That the Council now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTIETH DAY.

BISMARCK, Tuesday, March 3, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called the following members were absent :

Messrs. Duncan, Flittie and Richardson.

The Journal of the previous day read, corrected and approved.

MESSAGES FROM THE HOUSE.

BISMARCK, March 2, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following bills, to-wit:

House Bill No. 99. A bill for an act to amend an act entitled an act to incorporate the city of Aberdeen.

To which the House has made an amendment and which is attached to the bill.

Also,

House Bill No. 239. A bill for an act providing for commissioners for the organized counties of this Territory.

Also,

House Bill No. 73. A bill for an act appropriating funds for the construction of a normal school building at Minto, Walsh county, and for other purposes.

To which the house has made an amendment and is attached to the bill.

Also,

House Bill No. 60. A bill for an act establishing the Dakota Forestry Institution and providing for the government and maintenance of the same.

Also,

House Bill No. 158. A bill for an act establishing the Central Dakota University at Ordway.

Also,

House Bill No. 246. A bill for an act to define the boundaries of Ramsey and Benson counties and for other purposes.

Also,

House Bill No. 308. A bill for an act to amend an act entitled an act to fund the indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks, passed at the Thirteenth Legislative Assembly in 1879.

Also,

House Bill No. 326. A bill for a Memorial to the United States Congress for an appropriation to improve the navigation of the waterway or route between Big Stone Lake and the Red River of the north and for other purposes.

Also,

Council Bill No. 15. A bill for an act for the erection of additional buildings for the North Dakota Hospital for the Insane, and for other purposes.

To which the House has made amendments, and which are attached to the bill.

Also,

Council Bill No. 39. A bill for an act to provide funds for completing the Agricultural College at Brookings, Dakota, and to repeal section 2, chapter 2, and section 6, chapter 3, of the Session Laws of 1883.

And to which the House made amendments, and which are attached to the bill.

Also,

Council Bill 50. A bill for an act to provide funds for the construction of a dormitory and the completion of the building for the Dakota School for Deaf Mutes, and for other purposes.

To which the House made amendments and which are attached to the bill.

Also,

Council Bill No. 56. A bill for an act appropriating funds for the completion and maintenance of the Territorial Normal School at Madison, Dakota.

To which the House made amendments, and which are attached to the bill.

Also,

Council Bill No. 57. A bill for an act to locate, establish and endow a School of Mines for the Territory of Dakota.

To which the House made amendments, and which are attached to the bill.

Also,

Council Bill No. 61. A bill for an act making appropriation for constructing and furnishing a building for the North Dakota College at Fargo,

To which the House made amendments, and which are attached to the bill.

Also,

Council Bill No. 70. A bill for an act entitled an act to provide funds for finishing the main building of the University of Dakota, to erect an additional building for dormitories, and for other purposes.

To which the House made amendments, and which are attached to the bill.

Council Bill No. 87. A bill for an act to provide funds to pay the deficiency caused by the construction of University of North Dakota, and for other purposes.

To which the House made amendments and which is attached to the bill.

Also,

Council Bill No. 114. A bill for an act to provide for the removal and location of the county seat of Bon Homme county.

To which the House made amendments, and which are attached to the bill.

Also,

Council Bill No. 151. A bill for an act establishing Independent School District No. 3 for the city of Grafton, Walsh county, and for other purposes.

Also,

Council Bill No. 170. A bill for an act to provide for funds to erect and furnish a main building for juvenile offenders at Plankinton, Dakota.

To which the House made an amendment, and which is attached to the bill.

Also,

Council Bill No. 293. A bill for a Memorial to Congress praying that General Grant be placed on the retired list.

All of which are herewith transmitted and a concurrence in the same by your honorable body is respectfully requested.

I am also requested to inform the Council that

Council Bill No. 250

Is in the hands of the committee on Towns and Cities, and now in the possession of the House.

All of which is respectfully submitted.

Very Respectfully,

C. M. REED.

Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

BISMARCK, March 3, 1885.

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 252. A bill for an act authorizing the county commissioners of Custer county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 258. A bill for an act authorizing the board of county commissioners of Union county to refund the outstanding indebtedness thereof.

Also,

House Bill No. 248. A bill for an act authorizing the county commissioners of Edmunds county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 215. A bill for an act authorizing the board of county commissioners of Aurora county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 97. A bill for an act to authorize the county commissioners of Ramsey county to fund the outstanding indebtedness of said county.

Also,

House Bill No. 124. A bill for an act to authorize the county commissioners of Dickey county to fund the outstanding indebtedness thereof.

Also,

House Bill No. 67. A bill for an act to authorize the county commissioners of Sargent county, Dakota Territory, to issue bonds to fund the debt of said county.

Also,

Council Bill No. 280. A bill for an act to change the name of certain churches in Bon Homme county.

Also,

Council Bill No. 248. A bill for an act to fund the indebtedness of Codington county.

Also,

Council Bill No. 278. A bill for an act to authorize the county commissioners of Cass county, Dakota, to issue bonds for finishing and furnishing the court house.

Have had the same under consideration and beg leave to report the several bills back with the recommendation that they do pass.

Also,

Council Bill No. 210. A bill for an act to enable Brown county to issue bonds to build a court house and jail.

Have had the same under consideration, and beg leave to report the same back with the recommendation that the bill do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations to whom was referred

Council Bill No. 288,

Have had the same under consideration and recommend that it do pass.

JUDSON LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred

Council Bill No. 222. A bill for an act to provide for the levying and collection of taxes upon the property of railroad companies.

Have had the same under consideration and beg leave to report the same back without recommendation.

Also,

Council Bill No. 223. A bill for an act to provide for the assessment and taxation of telegraph property in this Territory.

Have had the same under advisement, and beg leave to report the same back with the following amendment, viz:

Amend section 8 by striking out the words "the time of the assessment of other railway property for taxation" where they first occur in said section and insert in lieu thereof the words "their annual meeting as such board."

With this amendment we recommend that the bill do pass.

Also,

Council Bill No. 277. A bill for an act to authorize the county commissioners of Cass county to issue bonds.

Have had the same under consideration and beg leave to report the same back with recommendations that it do pass.

C. D. AUSTIN.
Chairman.

MR. PRESIDENT:

Your committee on Appropriations, to whom was referred

Council Bill No. 259

Have had the same under consideration, and report the same back and recommend that it do pass.

Also,

House Bill No. 48

Report the same back with the recommendation that it do pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions, to whom was referred

Council Bill No. 86,

Have considered the same and have directed me to report the same back with the recommendation that it do pass as amended by the committee.

JOHNSON NICKEUS,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations report back
Council Bill No. 279

With an amendment, and recommend its passage as amended.

Amend by striking out "two" and insert "one" before the word dollar, where it occurs in said bill.

R. F. PETTIGREW,
Chairman.

INTRODUCTION OF BILLS.

Mr. Nickeus introduced—

Council Bill No. 299. A bill for an act to annex certain townships to the county of McHenry.

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 300. A bill for an act to fix the terms of the district court within and for the Sixth Judicial District of the boundary of Dakota, exercising the powers and jurisdiction of the circuit and district court of the United States.

Which was read the first time.

Mr. Duncan introduced—

Council Bill No. 301. A bill for an act to regulate the furnishing of intoxicating liquors.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Bowdle moved

That the Council concur in House amendments to Council Bill No. 170.

Which motion prevailed.

Mr. Jones moved

That the Council do not concur in House amendment to Council Bill No. 39

And that a committee of conference be appointed.

Which motion prevailed.

The President appointed as such committee Messrs. Jones, Pettigrew and Cameron.

Mr. Pettigrew moved

That the Council concur in
House amendment to
Council Bill No. 50.

Which motion prevailed.

Mr. Jones moved
That the Council now concur in
House amendments to
House Bill No. 114.

Which motion prevailed.

Mr. Huetsen moved
That the Council now concur in
House amendments to
Council Bill No. 70.

Which motion prevailed.

Mr. Nickeus moved
That the Council now concur in
House amendments to
Council Bill No. 15.

Which motion prevailed.

Mr. Cameron moved
That the Council now concur in
House amendments to
Council Bill No. 56.

Which motion prevailed.

Mr. Washabaugh moved
That the Council now concur in
House amendments to
Council Bill No. 57.

Which motion prevailed.

Mr. Twomey moved
That the Council now concur in
House amendments to
Council Bill No. 61.

Which motion prevailed.

Mr. Walsh moved
That the Council concur in
House amendments to
Council Bill No. 78.

Which motion prevailed.

Mr. Gamble moved

For unanimous consent to introduce a bill at this time, and have it

Read the first and second times and referred to the committee on Cities and Municipal Corporations.

There being no objection, the President so declared.

Council Bill No. 302. A bill for an act to amend the charter of the city of Yankton, Dakota Territory, approved March 9, 1883,

Was read the first time.

Council Bill No. 302

Read the second time, and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 288. A bill for an act to vacate certain portions of Mathews & Scobey's addition to the city of Brookings, Brookings county, Dakota,

Was read the third time and put upon its final passage.

The roll being called, there were ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wash-
abaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Nickeus, Wagner, Wells.

So the bill passed and its title was agreed to.

EXECUTIVE SESSION.

In executive session, George Rice was confirmed as Attorney General of the Territory of Dakota.

Mr. Pettigrew moved

That the special consideration of
Council Bill No. 128

Made the special order for to-day at 3 o'clock p. m.

Be postponed until one week from Wednesday at 3 o'clock p. m.

Ayes and nays demanded.

The roll being called, there were, ayes 13; nays 10.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huet-

son, Jones, LaMoure, Natwick, Pettigrew, Smedley, Wells,
Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, McLaughlin,
Nickeus, Richardson, Twomey, Wagner, Walsh.

Mr. Washabaugh being absent.

So the motion prevailed.

THIRD READING OF COUNCIL BILLS.

Mr. Walsh moved

To suspend the rules and that

Council Bill No. 303

Be given its first and second readings and reference.

Which motion prevailed.

Council Bill No. 303. A bill for an act entitled an act to
provide a special election in the county of Roulette, for the
election of county officers and locating the county seat.

Was read the first time.

Council Bill No. 303

Read and referred to the committee on Elections.

Council Bill No. 86. A bill for an act regulating the per
diem and mileage of Directors, Trustees and Regents of
Territorial institutions.

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill
there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Farmer, Huetson, Jones, Kennedy,
Natwick, Nickeus, Pettigrew, Twomey, Wagner, Walsh,
Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Flittie, Gamble, La-
Moure, McLaughlin, Richardson, Smedley, Washabaugh.

Mr. Wells excused from voting.

So the bill passed and its title was agreed to.

Council Bill No. 201. A bill for an act to amend
section 5 of chapter 5 of the Political Code,

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, LaMoure, Richardson, Wells.

So the bill passed, and its title was agreed to.

Council Bill No. 274. A bill for an act making appropriations to pay George Hughes and Charles Healey for services as pages of the Council,

Was read the third time.

Mr. Nickeus moved

To table the amendments of the committee on Appropriation to

Council Bill No. 274.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays, 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Those who voted in the negative were:

Messrs. Huetson, Pettigrew.

Absent and not voting:

Messrs. Day, LaMoure, Natwick, Mr. President.

So the bill passed and its title was agreed to.

Council Bill No. 248. A bill for an act to fund the indebtedness of Codrington county,

Was read the third time.

Mr. Smedley moved

To suspend the rules, and
That the further reading of the same be dispensed with.
Which motion prevailed.

The roll being called upon the final passage of the bill,
there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer,
Gamble, Huetson, Jones, Kennedy, McLaughlin, Smedley,
Twomey, Wagner, Washabaugh, Walsh.

Absent and not voting:

Messrs. Day, Flittie, LaMoure, Natwick, Nickeus, Pettigrew,
Richardson, Wells, Mr. President.

So the bill passed and its title was agreed to.

Council Bill No. 278. A bill for an act authorizing
the board of county commissioners of Cass county, Dakota
Territory, to issue bonds for finishing and furnishing the
court house.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Gamble,
Huetson, Jones, Kennedy, LaMoure, McLaughlin, Smedley,
Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Austin, Flittie, Natwick, Nickeus, Pettigrew,
Richardson, Mr. President.

So the bill passed and its title agreed to.

Council Bill No. 280. A bill for an act to change the
name of certain churches in Bon Homme county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 4.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Gamble, Jones,
Kennedy, Pettigrew, Richardson, Twomey, Wagner, Wells,
Walsh.

Those who voted in the negative were:

Messrs. Farmer, Huetson, McLaughlin, Washabaugh.

Absent and not voting:

Messrs. Austin, Flittie, LaMoure, Natwick, Nickeus,
Smedley.

Mr. President being excused.

So the bill passed and its title was agreed to.

Council Bill No. 262. A bill for an act to amend sections 402 and 515 of the Civil Code, and section 642 of the Penal Code.

Was read the third time.

Mr. Gamble moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Farmer, Gamble, Huetson, Kennedy, LaMoure, Natwick, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Flittie, Jones, McLaughlin, Nickeus, Pettigrew, Smedley.

Mr. President being excused.

So the bill passed, and its title was agreed to.

Council Bill No. 222. A bill for an act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory.

Was read the third time.

Mr. Pettigrew moved that

Council Bill No. 222

Be made the special order for to-morrow at 2 o'clock p. m.

Which motion prevailed.

Council Bill No. 223. A bill for an act to provide for the assessment and taxation of telegraph property in this territory.

Was read the third time.

Mr. Smedley moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Pettigrew, moved

To amend sections 3 and 9 by striking out "July," and inserting in lieu thereof "second Monday in June."

Which motion prevailed.

Mr. Nickeus moved

To amend section 4 by adding the following, viz:

“The money received and collected by the Territorial treasurer in pursuance of this act as far as it relates to telegraph companies, shall be disposed of by him as follows: One-third thereof shall be retained in the territorial treasury for the use of the Territory, and the remainder shall be apportioned among the several counties into or through which telegraph lines respectively run in proportion to the valuation of telegraph property situated in such counties respectively, provided that the county treasurers shall receive no compensation for receiving from the Territorial treasurer said money in their treasuries respectively.

Yeas and nays demanded.

The roll being called there were, ayes 7; nays 15.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, LaMoure, McLaughlin, Nickeus, Richardson, Twomey.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Mr. Flittie.

Mr. President being excused.

So the amendment was lost.

The roll being called upon the final passage of the bill, as amended, there were, ayes 20; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh.

Those who voted in the negative were:

Messrs. LaMoure, McLaughlin, Twomey.

Mr. President being excused.

So the bill passed and its title was agreed to.

Mr. Wagner asked for unanimous consent to introduce a bill at this time and have it

Read the first time.

There being no objection, the President so ordered.

Mr. Wagner introduced—

Council Bill No. 304. A bill for an act to vacate North Tyndall, in the county of Bon Homme.

Which was read the first time.

Council Bill No. 277. A bill for an act authorizing the board of county commissioners of Cass county to issue bonds for the purpose of funding the indebtedness of the road and bridge fund.

Was read the third time.

Mr. Smedley moved

That the rules be suspended,

And that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Mr. President being excused.

Mr. Cameron being absent.

So the bill passed and its title was agreed to.

Council Bill No. 259. A bill for an act to give a reward in money for the discovery of anthracite coal in the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 17; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Kennedy, LaMoure, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Jones, Natwick, Washabaugh.

Absent and not voting:

Messrs. Bowdle, McLaughlin.

Mr. President was excused from voting.

So the bill passed and its was agreed to.

Council Bill No. 210. A bill for an act to enable Brown county, Dakota Territory, to issue bonds to build a court house and jail.

Was read the third time.

Mr. Kennedy moved
That Council Bill No. 210

Be passed over until to-morrow.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

BISMARCK, March 3, 1885.

MR. PRESIDENT:

Your committee on Enrollment beg leave to report that we have this 3d day of March, 1885, at 3:45 p. m., presented

Council Bills Nos. 97, 268, 19, 105, 117, 175, 184, 159, 112, 149 and 150,

To His Excellency the Governor for his signature and approval.

Also,

Council Bills Nos. 105, 159, 97, 112, 268, 19, 175, 184, 75, 117, and

Substitute for

Council Bills Nos. 149 and 150,

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,

Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred
Council Bill No. 262,

Have considered the same, and made sundry amendments, and do recommend the passage of the bill as amended.

J. R. GAMBLE,

Chairman.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 326, 308, 340, 239, 158, 99, 73 and 60,

Were read the first time.

Mr. Smedley moved

That all House bills read the first time be considered as

read the second time, and be referred to their proper committees.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 60,

Read the second time and referred to the committee on Appropriation.

House Bill No. 73.

Read the second time and referred to the committee on Appropriations.

House Bill No. 99,

Read the second time and referred to the committee on Cities and Municipal Corporations.

Substitute for

House Bill No. 246.

Read the second time, and referred to the committee on Revenue.

House Bill No. 239,

Read the second time and referred to the committee Judiciary.

House Bill No. 158,

Read the second time and referred to the committee on Appropriation.

House Bill No. 326,

Read the second time and referred to the committee on Education

House Bill No. 308,

Read the second time and referred to the committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 48. A bill for an act appropriating funds for the Territorial Normal School at Spearfish, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were. ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh.

Absent and not voting :

Messrs. Cameron, McLaughlin, Wagner.

Mr. President being excused.

So the bill passed and its title was agreed to.

Mr. LaMoure moved

That the Council now adjourn until to-morrow at 2 p. m., and that the order of business be taken up where the Council left off to-day.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-FIRST DAY.

BISMARCK, Wednesday, March 4, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all the members were present except Mr. LaMoure.

The Journal of the previous day read, corrected and approved.

MESSAGES FROM THE HOUSE.

BISMARCK, March 4, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following house bills, to-wit:

House Bill No. 7. A bill for an act to relocate the Capitol of the Territory of Dakota.

Also,

House Bill No. 209. A bill for an act to amend section 759 of the Penal Code, relating to the terms of imprisonment.

Also,

House Bill No. 224. A bill for an act to authorize the Lenham Elevator company, a corporation, to change its name.

Also,

House Bill No. 225. A bill for an act to amend paragraph 1 of section 1970 of the Civil Code.

Also,

House Bill No. 303. A bill for an act to authorize the village of Egan to issue bonds.

Also,

House Bill No. 305. A bill for an act to amend an act to incorporate the city of Larimore, Dakota Territory.

All of which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Also,

I am requested to announce to your honorable body that the House of Representatives has passed

Substitute for

Council Bills Nos. 25, 73 and House Bill No. 8. A bill for an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory.

To which the House has made amendments, and which are attached to the bill.

Said bill is herewith transmitted, and a concurrence to the amendment is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Appropriations report back
House Bill No. 203,
And recommend that it do pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 93,

Have had the same under consideration, and recommend its passage, with the accompanying amendments.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred House Bill No. 74,

Have had the same under consideration, and beg leave to report the bill back with the recommendation that it do pass.

C. D. AUSTIN,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 97. A bill for an act to authorize the county commissioners of Ramsey county to fund the outstanding indebtedness of said county,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 74. A bill for an act authorizing the county commissioners to bid off real estate in the name of the county when there are no other bidders, and to provide for the transfer or redemption thereof,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, Nickeus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 167. A bill for an act to authorize the county commissioners of Sanborn county, Dakota, to issue bonds to fund the debt of said county.

Was read the third time.

Mr. Huetsen moved

To suspend the rules,

And that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, Nickeus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 258. A bill for an act authorizing the board of county commissioners of Union county to refund the outstanding indebtedness thereof.

Was read the third time.

Mr. Duncan moved

To amend section 2 by adding the following:

“Under the provisions of an act of the Legislative Assembly of the Territory of Dakota, approved February 14, 1879.”

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 252. A bill for an act authorizing the

board of county commissioners of Custer county to fund the outstanding indebtedness thereof.

Was read the third time.

Mr. Twomey moved

To suspend the rules and that the further reading of the bill be dispensed with,

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure and Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 248. A bill for an act authorizing the county commissioners of Edmunds county to fund the outstanding indebtedness thereof.

Was read the third time.

Mr. McLaughlin moved

To suspend the rules,

And that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Nickeus and Pettigrew.

So the bill passed and its title was agreed to.

House Bill No. 215. A bill for an act authorizing the board of county commissioners of Aurora county to fund the outstanding indebtedness thereof.

Was read the third time.

Mr. Kennedy moved

To suspend the rules,
And that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, Nickeus, Pettigrew.

So the bill passed and its title was agreed to.

House Bill No. 124. A bill for an act authorizing the county commissioners of Dickey county to fund the outstanding indebtedness thereof.

Was read the third time.

Mr Austin moved

That the rules be suspended and the further reading of the bill be dispensed with.

The roll being called there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Richardson, Smedley, Twomey, Wagner Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Nickeus and Pettigrew.

So the bill passed and its title was agreed to.

House Bill No. 126. A bill for a Joint Memorial and Resolution in relation to the pine lands of Minnesota.

Was read the third time.

Mr. Twomey moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called there were, ayes, 14; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Huetson,

Jones, Kennedy, LaMoure, McLaughlin, Natwick, Smedley, Washabaugh, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Pettigrew, Twomey, Wagner, Mr. President.

Absent and not voting:

Messrs. Bowdle, Gamble, Nickeus, Richardson, Wells.

So the Joint Memorial passed and its title was agreed to.

House Bill No. 93. A bill for an act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of the same.

Was read the third time.

Mr. Smedley moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Jones moved

To amend by striking out "2 miles," in section 12, and insert in lieu thereof "one-half mile."

Which motion prevailed.

The roll being called on the final passage of the bill, as amended, there were ayes, 22; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. McLaughlin, Washabaugh.

So the bill passed and its was agreed to.

Mr. Twomey moved

That the special consideration of

Council Bill No. 222

Made the special order for to-day at 2 o'clock be postponed until Friday next, at 11 o'clock a. m.

Which motion prevailed.

House Bill No. 203. A bill for an act authorizing the Secretary of Territory to purchase fuel for heating the Capitol building.

Was read the third time.

The roll being called upon the final passage of the bill, there were, ayes 22; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Natwick, Washabaugh.

Absent and not voting:

Messrs. Gamble, Smedley.

So the bill passed and its title was agreed to.

PETITIONS AND COMMUNICATIONS.

Mr. Walsh presented a petition from the citizens of Grand Forks protesting against woman suffrage.

Which was referred to the committee on Elections.

Mr. LaMoure presented a petition from the citizens of Pembina favoring woman suffrage.

Which was referred to the committee on Elections.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 4, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bills Nos. 97, 117, 105, 112, 175, 268, 149, 150 and 184.

GILBERT A. PIERCE,
Governor.

REPORTS OF STANDING COMMITTEES.

BISMARCK, March 4, 1885.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment

Beg leave to report that we have this 4th day of March, 1885, at 3:05 o'clock p. m., presented

Council Bills Nos. 50, 61, 170 and 293

To his Excellency the Governor for his signature and approval.

Also,

Council Bills Nos. 50, 293, 170 and 61,

Beg leave to report the same back as correctly enrolled.

Also,

Council Bill No. 114,

Beg leave to report the same back as correctly enrolled.

Also,

Beg leave to report that we have this 4th day of March, 1885, at 4:50 p. m., presented

Council Bill No. 114

To his Excellency the Governor for his signature and approval.

CHARLES RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Insurance to whom was referred
Council Bill No. 21

Beg leave to report that they have had the same under
consideration, and recommend that the same do pass.

D. H. TWOMEY,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred
Council Bill No. 290.

Being "A bill for an act establishing the Independent
School District of Woonsocket, Sanborn county, Dakota
territory."

Have had the same under consideration, and beg leave
to report the same back with the recommendation that the
bill do pass.

S. PITTS WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Towns, to whom was re-
ferred

House Bill No. 99

Entitled an act to amend an act to incorporate the city of
Aberdeen, in the territory of Dakota.

Have had the same under consideration, and beg leave
to report a substitute for said bill, and recommend that the
same do pass.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred

Council Bill No. 203,

A bill for an act to amend an act entitled an act to create the office of district attorney for the several counties of Dakota territory, and for other purposes,

Have had the same under consideration and beg leave to report the same back with the following amendments, with the recommendation that it do pass as amended.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations to whom was referred

Council Bill No. 193

Have instructed me to report the same back to the Council without recommendation.

R. F. PETTIGREW,
Chairman.

The President called Mr. Washabaugh to the chair.

Mr. Westover offered the following resolution and moved its adoption.

Resolved, That a committee of five be appointed by the Chair to investigate corruption and attempted corruption of members of this Legislative Assembly and the offer of bribes by Alexander McKenzie, A. W. Edwards, L. G. Johnson and W. F. Steele. for the purpose of influencing votes upon the question of the removal of the Capital, now pending before the legislature, and that said committee be instructed to proceed at the earliest possible moment to take action in regard to such charges and procure witnesses and take testimony, and that they report their action and findings with all convenient speedity.

Mr. Nickeus moved

To amend by striking out the name of W. F. Steele and adding at the close of the resolution a request for the said W. F. Steele to appear and give evidence touching the same.

Which motion was lost.

The question then recurring upon the original motion for the adoption of the resolution.

Which motion prevailed.

The Chair appointed as such committee on Investigation,

Messrs. Westover, LaMoure, Gamble, Twomy, Farmer.

INTRODUCTION OF BILLS.

Mr. Smedley introduced—

Council Bill No. 305. A bill for an act to provide for county auditors in certain counties.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 306. A bill for an act to incorporate the city of Northwood, Grand Forks county, Dakota Territory.

Which was read the first time.

Mr. Walsh moved

To suspend the rules and that

Council Bill No. 306,

Be read the second time and referred.

Which motion prevailed.

Council Bill No. 306.

Read the second time and referred to the committee on Cities and Municipal Corporations.

Mr. Richardson introduced—

Council Bill No. 307. A bill for an act to create a joint school township in the counties of Griggs and Steele.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 308. A bill for an act to authorize the county commissioners of Benson county to issue bonds to fund their outstanding indebtedness and for other purposes.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 299

Read the second time, and referred to the committee on Counties.

Council Bill No. 278

Read the second time and referred to the committee on Agriculture.

Council Bill No. 291

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 293

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 294

Read the second time and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 193. A bill for an act appropriating money for the payment of furniture, etc., for the Capitol building.

Was read the third time and put on its final passage.

The roll being called, there were, ayes 7; nays 16.

Those who voted in the affirmative were:

Messrs. Austin, Flittie, Kennedy, LaMoure, McLaughlin, Richardson, Twomey.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Mr. Bowdle.

So the bill was lost.

Council Bill No. 203

For an act to amend an act entitled an act to create the office of district attorney for the several counties of Dakota and for other purposes.

Was read the third time.

Mr. Pettigrew moved.

To amend so as to allow the county commissioners to increase or decrease the salary of district attorney.

Mr. Pettigrew moved

That the bill be recommitted to the committee on Judiciary, with instruction to bring in a substitute fixing a salary of a certain sum for counties with ten thousand people or over, and a certain sum for counties of less than ten thousand people.

Which motion prevailed.

Council Bill No. 31. A bill for an act authorizing the formation of county mutual insurance companies,

Was read the third time.

Mr. Nickeus moved

To amend by striking out the word "for" in line four and insert after the word "lightning" the words "hail and tornado."

Which motion prevailed.

Mr. McLaughlin moved

To amend by striking out the word "or" in the third line of section 5 and insert after the word lightning "hail and tornado."

Which motion prevailed.

Mr. McLaughlin moved

To amend after the word "insured" in the fourth line of section 7 "or damage by hail or tornado."

Which was adopted.

Also,

To amend section 10 after the word "stock" by adding "and growing grain against damage by hail and tornado."

Which was adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, Natwick, Richardson, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 290. A bill for an act establishing the independent school district of Woonsocket, Sanborn county, Dakota.

Was read the third time.

Mr. McLaughlin moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus.

Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh,
Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, Richardson, Smedley.

So the bill passed, and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 305, 303, 225, 224 and 209,
Were read the first time.

Mr. Jones moved

To suspend the rules, and that all House Bills that have
had their first reading, be given their second reading and
referred to their proper committees.

Which motion prevailed.

Mr LaMoure asked unanimous consent to make a report
at this time.

There being no objection, the President so ordered, and
the report was received and read as follows:

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to
whom was referred

Council Bill No. 302. A bill for an act to amend the
charter of the city of Yankton, Dakota, approved Novem-
ber 9, 1883,

Have had the same under consideration and report the
same back with the recommendation that it do pass.

JUDSON LAMOURE,
Chairman.

Which report was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 7

Read the second time and referred to the Special com-
mittee.

House Bill No. 305

Read the second time and referred to the committee on
Cities and Municipal Corporations.

House Bill No. 303

Read the second time and referred to the committee on
Cities and Municipal Corporations.

House Bill No. 224

Read the second time and referred to the committee on Judiciary.

House Bill No. 225

Read the second time and referred to the committee on Judiciary.

House Bill No. 209

Read the second time and referred to the committee on Judiciary.

Mr. LaMoure moved

To suspend the rules, and that

Council Bill No. 302,

Be put upon its third reading and final passage.

Which motion prevailed.

Council Bill No. 302. A bill for an act to amend the charter of the city of Yankton, Dakota Territory, approved March 9th, 1883,

Was read the third time.

Mr. Austin moved

To suspend the rules, and that the further reading of the same be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. McLaughlin and Smedley.

So the bill passed and its title was agreed to.

Mr. Kennedy moved

To suspend the rules and that the

Substitute for

House Bill No. 99

Be taken up and put upon its third reading and final passage.

Which motion prevailed.

Substitute for

House Bill No. 99. A bill for an act to amend an act to incorporate the city of Aberdeen, Brown county,

Was read the third time.

Mr. Natwick moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Duncan voted in the negative.

Absent and not voting:

Messrs. LaMoure and McLaughlin.

So the bill passed and its title was agreed to.

Mr. LaMoure moved

To suspend the rules and that

House Bill No. 357

Be given its first and second readings and referred to its proper committee.

Which motion prevailed.

House Bill No. 357. A bill for an act relating to pardon of Patrick R. Smith.

Was read the first time.

House Bill No. 357

Read the second time and referred to the committee on Judiciary.

Mr. Smedley moved

To suspend the rules and that

Council Bill No. 305

Be passed to its second reading and referred.

Which motion prevailed.

Council Bill No. 305

Read the second time and referred to the committee on Judiciary.

Messrs. Natwick and Wagner asked

Unanimous consent to

Introduce bills at this time and hour and have them read the first and second times and referred.

There being no objection, the President so ordered.

Mr. Wagner introduced—

Council Bill No. 309. A bill for an act establishing an independent school district at Springfield, Bon Homme county,

Which was read the first time.

Mr. Natwick introduced—

Council Bill No. 310. A bill for an act creating the county of Norman,

Which was read the first time.

Council Bill No. 309

Read the second time and referred to the committee on Education.

Council Bill No. 310

Read the second time, and referred to the committee on Counties.

Mr. Walsh moved

That the Council now adjourn until to-morrow at 11 o'clock a. m.

Which motion was lost.

Mr. Pettigrew moved

To suspend the rules and that the Council take up

Substitute for

Council Bills Nos. 25 and 75, and

House Bill No. 8,

And consider the amendments offered by the House to the same.

Which motion prevailed.

Mr. Jones moved

That the Council concur in House amendments to section 11.

Which motion prevailed.

Mr. Bowdle moved

That the Council do not concur in House amendments to section 8.

Mr. Flittie moved

As a substitute that the Council do concur in House amendments to section 8.

Which was adopted.

The question being upon the original motion as amended.

It was adopted.

Mr. Washabaugh moved

That the Council adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-SECOND DAY.

BISMARCK, Thursday, March 5, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present.

The Journal of the previous day read, corrected and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Walsh presented a petition from the citizens of Grand Forks, Dak., opposing the woman suffrage.

There being no objection the petition was received and referred to the committee on Elections.

Mr. LaMoure presented a petition from the citizens of the 12th Legislative District, favoring woman suffrage.

There being no objection the petition was received; read and referred to the committee on Elections.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 5, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bill No. 114. A bill for an act to provide for the removal and location of the county seat of Bon Hamme county.

GILBERT A. PIERCE,
Governor.

REPORTS OF SPECIAL COMMITTEES.

Mr. Wells, chairman of the special committee of five, submitted the following report, viz :

MR. PRESIDENT:

Your special committee of five to whom was referred House Bill No. 7.

Have considered the same and I am instructed to report the same back with the recommendation that the bill do pass.

INTRODUCTION OF BILLS.

Mr. Natwick introduced—

Council Bill No. 311. A bill for an act entitled an act defining the boundaries of the Fifth Judicial District and fixing the time for holding court therein.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 312. A bill for an act entitled an act establishing Independent School District No. 2, of Grand Forks county.

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 313. A bill for an act supplementary to chapter 28 of the Political Code.

Which was read the first time.

Mr. Nickeus introduced—

Council Bill No. 314. A bill for an act authorizing the judges of the several district courts in this Territory to change judicial sub-division or create new judicial subdivisions and to hold a special term of court in any county of their respective districts.

Which was read the first time.

Mr. Natwick moved

To suspend the rules and that Council Bill No. 311 be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 311

Read the second time and referred to the committee on Judiciary.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 297

Read the second time and referred to the committee on Counties.

Council Bill No. 298

Read the second time and referred to the committee on Counties.

Council Bill No. 300

Read the second time and referred to the committee on Judiciary.

Council Bill No. 303

Read the second time and referred to the committee on Education.

Council Bill No. 307

Read the second time and referred to the committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 304. A bill for an act to vacate North Tyndall in the county of Bon Homme, Dakota.

Read the third time and put upon its final passage.

The roll being called there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, LaMoure, Natwick, Richardson.

So the bill passed and its title was agreed to.

Council Bill No. 291. A bill for an act entitled an act providing for the funding of the outstanding indebtedness of the city of Mitchell.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, McLaughlin, Richardson, Smedley.

So the bill passed and its title was agreed to.

Council Bill No. 292. A bill for an act entitled an act to vacate certain blocks in Marion Junction.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble, Pettigrew, Richardson, Walsh.

So the bill passed and its title was agreed to.

Mr. Bowdle moved

To suspend the rules, and that

House Bill No. 281

Be given its first, second and third readings and put upon its final passage.

Which motion prevailed.

House Bill No. 281. A bill for an act to amend an act entitled an act to incorporate the city of Chamberlain.

Read the first, second and third time and put upon its final passage.

The roll being called there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Gamble, Huetson, Kennedy, Natwick, Pettigrew, Twomey, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Duncan, Flittie, Jones, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Washabaugh, Wells.

So the bill passed and its title was agreed to.

Mr. Smedley moved

That the Council now go into executive session.

Which motion prevailed.

EXECUTIVE SESSION.

In executive session the Journal was corrected so as to read James W. Raymond instead of John W. Raymond for territorial treasurer.

THIRD READING OF HOUSE BILLS.

House Bill No. 158. A bill for an act to establish a central Dakota University at Ordway,

Was read the third time and put upon its final passage.
The roll being called there were. ayes 12; nays 11.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Washabaugh, Wells, Walsh.

Absent and not voting:

Mr. Day.

So the bill passed and its title was agreed to.

House Bill No. 7. An act to relocate the capital of the Territory of Dakota.

Was read the third time.

Mr. Nickeus moved

To amend by striking out the words "Pierre, Hughes county, Dakota Territory," wherever they occur in said bill and insert in lieu thereof "Sioux Falls, Minnehaha county, Dakota Territory."

Ayes and nays were called for.

The roll being called, there were, ayes 10; nays 14.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Mr. President.

And so the amendment was lost.

Mr. Nickeus moved

To amend by striking out the words "Pierre, Hughes county, Dakota Territory," wherever they occur in said bill and insert in lieu thereof "Brookings, Brookings county, Dakota territory."

Ayes and nays called for.

The roll being called, there were, ayes 10; nays 14.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Mr. President.

So the amendment was lost.

The roll being called upon the final passage of the bill, there were, ayes 14; nays 9.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Wagner, Walsh.

Absent and not voting:

Mr. Flittie.

So the bill passed and its title was agreed to.

House Bill No. 71. A bill for an act to amend section 47 of chapter 27, Revised Code, granting women the right of suffrage.

Was read the third time.

Mr. Jones moved

To adopt the report of the committee.

Mr. Flittie moved

To amend the report of the committee by striking out "1885," and insert in lieu thereof "1886."

Which amendment was lost.

Mr. Nickeus moved

To amend by striking out the amendments offered by the committee.

Ayes and nays called for.

The roll being called, there were, ayes 11; nays 12.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Huetson, Kennedy, LaMoure, Nickeus, Smedley, Washabaugh, Wells, Wagner, Mr. President.

Those voting in the negative were:

Messrs. Austin, Cameron, Farmer, Flittie, Gamble, Jones, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Walsh.

Absent and not voting:

Mr. Duncan, being excused.

So the amendment was lost.

The roll being called upon the final passage of the bill as amended there were, ayes, 19; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetsen, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Flittie, Gamble, McLaughlin, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved that

The special consideration of

Council Bill No. 222

Made the special order for Friday at 11 o'clock a. m., be postponed until 2 o'clock p. m. of said day.

Which motion prevailed.

Mr. Pettigrew moved

That the Council now adjourn until to-morrow at 2 o'clock p. m.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-THIRD DAY.

BISMARCK, Friday, March 6, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was offered by the chaplain.

The roll being called, the following members were absent, viz:

Messrs. Gamble and LaMoure.

Journal of the previous day read, corrected and approved.

Mr. Walsh moved

That the further consideration of the Journal be postponed until to-morrow.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Public Health, to whom was referred

House Bill No. 238

Having had the same under consideration, respectfully report the same back with a recommendation that it do pass.

V. P. KENNEDY,
Chairman.

MR. PRESIDENT:

Your committee on Education, to whom was referred
Council Bill No. 307,

A bill for an act to create a joint school township in the counties of Griggs and Steele,

Have had the same under consideration and beg leave to report the same back with recommendations that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 303

Have had the same under consideration and beg leave to report the same back without recommendation.

Also,
Council Bills Nos. 276, 285, 300 and 311.

Also,
House Bills Nos. 92, 162, 209, 225, and 308,

Have had the same under consideration, and beg leave to report the same back with the recommendation that said bills do pass.

Also,
Council Bill No. 249,

Have considered the same and have directed me to report the bill back with recommendation that it do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred
Council Bill No. 222,

Have had the same under consideration, and beg leave to report the same back without recommendation.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Charitable and Penal Institutions
report back

Council Bill No. 231

And recommend that it do pass.

JOHNSON NICKEUS,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations, to whom was referred various Council Bills to provide for the maintenance of various penal, charitable and educational institu-

tions, report the same back with a substitute and recommend that the substitute do pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee upon Territorial Affairs have had Council Bill No. 35.

An act to create the office of Public Examiner and define his duties,

Under consideration and report the same back without recommendations.

Also,

Had House Bill No. 326 under consideration, and report the same back with recommendation that it do pass.

GEORGE R. FARMER,
Chairman.

MR. PRESIDENT:

Your committee on Counties, to whom was referred House Bill No. 159,

Have had the same under consideration and instruct me to return the same to the Council with the recommendation that it do pass.

Also,

Substitute for

House Bill No. 246. A bill for an act to define the boundaries of Ramsey and Benson counties, and for other purposes.

Would respectfully report the same back with the recommendation that it do pass.

Also,

House Bill No. 194. A bill for an act to establish county commissioners' districts in the county of Brown, submit herewith a substitute bill, and recommend that the substitute do pass.

Also,

Council Bill No. 286. A bill for an act to define the boundaries of Cavalier county, and for other purposes.

Respectfully report a substitute bill, with the recommendation that it do pass.

Also,

Council Bill No. 299. A bill for an act to annex certain townships to the county of McHenry.

Also,

Council Bill No. 297. A bill for an act authorizing the board of county commissioners of Bon Homme county to fund the outstanding indebtedness of said county.

Also,

Council Bill No. 298. A bill for an act authorizing the board of county commissioners of Davison county to fund the outstanding indebtedness of said county.

Have considered the same and beg leave to report the several bills back with the recommendation that they do pass.

B. R. WAGNER,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McLaughlin introduced—

Council Bill No. 315. A bill for an act to amend section 2 of chapter 9 of the laws of 1883, entitled Capital Punishment.

Which was read the first time.

Mr. Natwick introduced—

Council Bill No. 315. A bill for an act to incorporate the village of Volga, Brookings county, Dakota.

Which was read the first time.

Mr. McLaughlin moved

To suspend the rules, and that

Council Bill No. 315

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 315

Read the second time and referred to the committee on Judiciary.

Mr. Natwick moved

To suspend the rules and that

Council Bill No. 315

Be passed to its second reading and reference.

Which motion prevailed.

Council Bill No. 316

Read the second time and referred to the committee on Cities and Municipal Corporations.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 301

Read the second time and referred to the committee on Judiciary.

Council Bill No. 296

Read the second time and referred to the committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 306. A bill for an act to incorporate the city of Northwood, Grand Forks county, Dakota Territory.

Was read the third time.

Mr. Walsh moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes 17; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Jones, Kennedy, LaMoure, Natwick, Nickeus, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, McLaughlin.

Absent and not voting:

Messrs. Farmer, Gamble, Pettigrew, Richardson, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 307. A bill for an act to create a joint school township in the counties of Griggs and Steele.

Was read the third time.

Mr. Natwick moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, upon the final passage of the bill, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick,

Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Gamble, Wagner.

So the bill passed and its title was agreed to.

Mr. Jones moved

To suspend the rules and that

Council Bill No. 296

Be taken up, given its third reading and put upon its final passage.

Which motion prevailed.

Council Bill No. 296. A bill for an act establishing independent school district No. 1 of Hutchinson county, Dakota Territory.

Was read the third time.

Mr. Natwick moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Huetson, Jones, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, Kennedy, Nickeus, Wagner.

So the bill passed, and its title was agreed to.

Council Bill No. 35. A bill for an act entitled an act to create the office of Public Examiner and to define his duties.

Was read the third time.

Mr. Natwick moved that

Council Bill No. 35

Be made the special order for to-morrow at 3 o'clock p. m.

Which motion prevailed.

Substitute for

Council Bill No. 286.

A bill for an act defining the boundaries of Cavalier county, and for other purposes.

Was read the third time.

Mr. Natwick moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Farmer, Flittie, Twomey, Wagner.

So the bill passed and its title was agreed to.

Mr. Richardson asked for unanimous consent to introduce at this time Joint Resolution No. 317, and that it be given its first, second and third readings and put upon its final passage.

There being no objection the President so ordered.

Joint Resolution No. 317. Providing for extra services of Engrossing Clerks and payment for their services.

Was read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Mr. Wagner.

So the Joint Resolution passed and its title was agreed to.

Council Bill No. 297. A bill for an act authorizing the board of county commissioners of Bon Homme county to fund the outstanding indebtedness of said county.

Was read the third time.

Mr. Bowdle moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 22; nays, none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 298. A bill for an act authorizing the county commissioners of Davison county to fund the outstanding indebtedness of said county.

Was read the third time.

Mr. Bowdle moved

That the rules be suspended, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Duncan, Gamble, Smedley, Twomey.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, D. T., March 6, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following bills, to-wit:

House Bill No. 212. A bill for an act to relocate the county seat of Spink county, Dakota.

Also,

House Bill No. 179. A bill for an act to amend section 1 chapter 19 of the Laws of 1883.

Also,

House Bill No. 349. A bill for an act to legalize the assessment of Butte county for the year 1883.

Also,

House Bill No. 351. A bill for an act defining the boundaries of Oliver and Mercer counties and for other purposes.

Also,

House Bill No. 90. A bill for an act to amend section 5 of chapter 43 of Laws of 1883 and for other purposes.

Also,

House Bill No. 22. A bill for an act to regulate the change of the names of towns, etc.

Also,

House Bill No. 139. A bill for an act to prohibit the license, or selling of intoxicating liquors within one mile of Iroquois and Denver, when no license is granted in Kingsbury county.

Also,

House Bill No. 268. A bill for an act abolishing the office of county assessor in certain counties and creating the office of district assessors and for other purposes.

Also,

House Bill No. 254. A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same.

Also,

House Bill No. 174. A bill for an act establishing independent school district No. 1 of Traill county, Dakota Territory.

Also,

House Bill No. 217. A bill for an act entitled an act to repeal section 760 of the Penal Code.

Also,

House Bill No. 171. A bill for an act to locate and endow a Territorial Normal School at Groton, Dakota.

Also,

House Bill No. 204. A bill for an act regulating the term

of office of auditor in the counties of Cass, Grand Forks and Traill.

Also.

House Bill No. 141. A bill for an act to amend section 126 of the Code of Civil Procedure.

Also.

House Bill No. 286. A bill for an act to change the name of the village of Nordland in Kingsbury county to that of Arlington.

Also.

House Bill No. 277. A bill for an act amending section 15 of the Justices Code.

Also.

House Bill No. 169. A bill for an act providing for a charter for the city of Clark, Dakota.

Also.

House Bill No. 273. A bill for an act creating a judicial sub-division of the sixth judicial district and fixing the time for holdtng court therein.

Also.

House Bill No. 134. A bill for an act to provide for transcribing the records in Edmunds and McPherson counties.

Also.

House Bill No. 360. A bill for an act to change the name of the town of Victoria in the county of McLean, Dakota Territory, to Coal Harbor.

Also.

House Bill No. 366. A bill for an act to change the name of the town of Marshall to Englevale.

Also.

House Bill No. 367. A bill for an act to amend an act entitled an act to incorporate the village of Flandrau.

All of which are herewith transmitted and a concurrence in the same by your honorable body is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Council Bill No. 299. A bill for an act to annex certain townships to the county of McHenry,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Gamble, Huetsou, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Austin, Day, Flittie, Kennedy, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 285. A bill for an act creating a judicial sub-division of the second judicial district and fixing time of holding court therein,

Was read the third time and put upon its final passage.

The roll being called there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsou, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. McLaughlin, Richardson, Smedley, Twomey, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 311. A bill for an act entitled an act defining the boundaries of the fifth judicial district and fixing the time for holding court therein,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetsou, Jones, Kennedy, LaMoure, Natwick, Nick-
eus, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Day, McLaughlin, Pettigrew, Richardson, Smedley, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 300. A bill for an act to fix the terms of the district court within and for the Sixth judicial district of the Territory of Dakota, exercising the powers and jur-

isdiction of the circuit and district courts of the United States.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Pettigrew, Richardson, Smedley, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 276. A bill for an act to amend section 1745 of the Civil Code.

Was read the third time and put upon its final passage.

Mr. Twomey moved

To amend by striking out the word "sold" in line eight and insert in lieu thereof the word "purchase;" also, in line sixteen strike out the word "sale" and insert in lieu thereof the word "purchase."

Which amendments were adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 7; nays 14.

Those who voted in the affirmative were:

Messrs. Austin, Day, Farmer, Jones, Kennedy, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Flittie, Gamble, Huetsen, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Duncan, LaMoure and Smedley.

So the bill was lost.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled Bills. to whom was referred

Substitute for

Council Bills Nos. 25 and 73

And

House Bill No. 8

Beg leave to report that they have had the same under consideration and report herewith the same as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

The President announced that the hour had arrived for the consideration of

Council Bill No. 222.

Made the special order for to-day at 2 o'clock p. m.

Council Bill No. 222. A bill for an act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory.

Was read the third time.

Mr. Twomey moved

To amend section 1 by striking out line 20 after the word "roll;" all of line 21; and all of line 22 preceding the words "seem so received."

Amend section 4 so as to read as follows:

That sections 1, 2, 3, 4 and 6 of chapter 99 of the Session Laws of 1883 are hereby repealed.

Which amendments were adopted.

Mr. Jones moved

To amend by striking out in lines 18 and 19 "telegraph instruments and lines."

Which amendment was adopted.

Mr. Pettigrew moved

To amend by adding to section 5 after the word "company," the following, viz:

"Which were received from the general government by grant or donation and not patented."

Which amendment was adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 16; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Farmer, Huetson, Jones, LaMoure, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Washabaugh.

Absent and not voting:

Messrs. Cameron, Flittie, Gamble, McLaughlin, Natwick, Walsh.

Mr. Kennedy being excused.

So the bill passed and its title was agreed to.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled bills beg leave to report that they have this day, at 2:45 p. m., presented

Council Bills Nos. 56, 70, 57, 75, 15, 78,

To His Excellency the Governor for his approval and signature.

Also,

Substitute for

Council Bills Nos. 25 and 73,

And

House Bill No. 8

At 3:50 p. m.

CHAS. RICHARDSON,
Chairman.

Messrs. Nickeus, Richardson and Gamble asked for unanimous consent to introduce bills at this time and have them read the first time.

There being no objection, the President so ordered.

Mr. Nickeus introduced—

Council Bill No. 317. A bill for an act granting authority to the board of county commissioners of Eddy county to issue bonds to meet the current expenses and to furnish its county offices as required by law,

Which was read the first time.

Also,

Council Bill No. 318. A bill for an act to define the sixth judicial district of the Territory of Dakota, and to subdivide and to fix the terms therein, and for other purposes,

Which was read the first time.

Mr. Gamble introduced—

Council Bill No. 319. A bill for an act to authorize the city of Yankton, by vote of its electors, to pay a subsidy of \$2,400 to Thomas J. Goodman,

Which was read the first time.

Mr. Richardson introduced—

Council Bill No. 320. A bill for an act to create and

define the boundaries of the city of Stanton, and for other purposes,

Which was read the first time.

Mr. Nickeus and Mr. Richardson moved

To suspend the rules, and that

Council Bills Nos. 318 and 320

Be passed to their second reading and reference.

Which motion prevailed.

Council Bill No. 318

Read the second time and referred to the committee on Judiciary.

Council Bill No. 320

Read the second time, and referred to the committee on Counties.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 6, 1885.

To the President of the Council:

I return herewith Council Bill No. 270 without approving the same. Aside from the objection that another new institution is created by the bill, I regard the provisions of the act itself as unsatisfactory.

The appropriation of \$8,000 to build a prison is so entirely inadequate to the object in view as to make it a practical waste of money. No building suitable for the necessities of the territory can possibly be built for the amount appropriated, and it seems unwise to expend money for this purpose unless suitable accommodations are to follow. Besides, we have a territorial prison in Bismarck, substantially completed which cost \$50,000 and which is now empty and idle. If a reform school is required for the immediate use of the territory, this could be utilized and would answer such purpose until the needs of the territory require a similar institution in south Dakota. Plankinton is well situated geographically for such an institution and it might be well to continue the law of two years ago, locating it there, in force, until the territory is able to erect a suitable building and maintain it properly.

GILBERT A. PIERCE,
Governor.

The question being upon the passage of
Council Bill No. 170.

Shall the bill pass

Notwithstanding the Governor's objections.

The roll being called, there were, ayes 1; nays 17.

Those who voted in the negative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Mr. Bowdle voting in the affirmative.

Absent and not voting:

Messrs. Flittie, Kennedy, McLaughlin, Wagner, Walsh.

So the Governor's objections were sustained.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 6, 1885.

To the President of the Council:

I return herewith

Council Bill No. 61. A bill for an act making appropriation for constructing and furnishing a building for the North Dakota College at Fargo, without my approval.

I cannot think the appropriation made through a conviction that a new agricultural college is necessary, or even desirable. The educational institutions supported by the Territory are already too numerous and are taxing the people for their completion and maintenance without any adequate return. The University of North Dakota, located at Grand Forks, is but eighty miles from the proposed location of this new institution, and, if the latter be started, a rivalry will necessarily ensue, not conducive to the welfare or advancement of either. I recognize the magnitude and importance of Fargo as a central and distributing point in the Red River Valley. I recognize the standing of Cass county as the largest tax-paying municipality in the Territory, and as such, deserving of consideration and entitled to a potent voice in shaping legislation. But neither are dependent for their prosperity on any subsidy or gratuity of the Legislature, and their growth and development will be little influenced by either the failure or enactment of a law of this character; aside from this, however, the matter should be considered apart from any advantages it may give to a locality and solely with reference to the people and the territory as a whole.

The institution is not necessary. The forty-five or fifty thousand dollars required for starting and maintaining it for the ensuing two years would in my judgment be unwisely expended, and I am therefore compelled to withhold my approval.

GILBERT A. PIERCE,
Governor.

The President stated the question was should

Council Bill No. 61

Pass notwithstanding the Governor's objections.

The roll being called, there were, ayes none; nays 20.

Those who voted in the negative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoire, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bowdle, Flittie, McLaughlin, Walsh.

So the Governor's objections were sustained.

Council Bill No. 249. A bill for an act to create a new sub-division of the Third Judicial District,

Was read the third time and put on its final passage.

The roll being called there were, ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Gamble, Huetson, Jones, Kennedy, LaMoire, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Farmer, Flittie, McLaughlin, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 231. A bill for an act to authorize the directors of the penitentiary at Sioux Falls to make a contract with the United States for the United States prisoners and to rent the United States wing to said penitentiary,

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoire, Natwick,

Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Flittie, McLaughlin, Walsh.

So the bill passed and its title agreed to.

Substitute for

Council Bills Nos. 14, 58, 67 and 69. A bill for an act making appropriations for the maintenance of the charitable, penal and educational institutions of this Territory, and for other purposes,

Was read the third time.

Mr. Pettigrew moved

That the bill be printed and made the special order for to-morrow at 2 o'clock p. m.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 229, 233, 240, 247, 255, 260, 261, 282, 284, 292, 298, 302, 304, 338, 342, 358, 169, 290, 22, 90, 134, 139, 141, 171, 174, 179, 204, 212, 217, 254, 268, 273, 277, 286, 349, 351, 360, 366, 367.

Were read the first time.

Mr. Smedley moved

To suspend the rules

And that all House bills just read the first time be considered as read the second time and referred.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 286

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 360

Read the second time, and referred to the committee on Cities and Municipal Corporations.

House Bill No. 366,

Read the second time, and referred to the committee on Cities and Municipal Corporations.

House Bill No. 367

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 290

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 169

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 143

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 255

Read the second time and referred to the committee on Agriculture.

House Bill No. 260

Read the second time, and referred to the committee on Judiciary.

House Bill No. 261,

Read the second time and referred to the committee on Judiciary.

House Bill No. 282

Read the second time and referred to the committee on Counties.

House Bill No. 284

Read the second time and referred to the committee on Education.

House Bill No. 292

Read the second time and referred to the committee on Appropriation.

House Bill No. 304

Read the second time and referred to the committee on Appropriation.

House Bill No. 342

Read the second time and referred to the committee on Education.

House Bill No. 358

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 22

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 90

Read the second time and referred to the committee on Judiciary.

House Bill No. 139

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 302

Read the second time and referred to the committee on Counties.

House Bill No. 298

Read the second time and referred to the committee on Counties.

House Bill No. 338

Read the second time and referred to the committee on Counties.

House Bill No: 179

Read the second time and referred to the committee on Counties.

House Bill No. 212

Read the second time and referred to the committee on Counties.

House Bill No. 351

Read the second time and referred to the committee on Counties.

House Bill No. 349

Read the second time and referred to the committee on Judiciary.

House Bill No. 277,

Read the second time and referred to the committee on Judiciary.

House Bill No. 273,

Read the second time and referred to the committee on Judiciary.

House Bill No. 268

Read the second time, and referred to the committee on Judiciary.

House Bill No. 141

Read the second time and referred to the committee on Judiciary.

House Bill No. 134

Read the second time and referred to the committee on Judiciary.

House Bill No. 174

Read the second time and referred to the committee on Education.

House Bill No. 171,

Read the second time and referred to the committee on Education

House Bill No. 254

Read the second time and referred to the committee on Territorial Affairs.

House Bill No. 217

Read the second time and referred to the committee on Charitable and Penal Institutions.

House Bill No. 233

Read the second time and referred to the committee on Counties.

House Bill No. 229

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 246

Read the second time and referred to the committee on Counties.

House Bill No. 247

Read the second time, and referred to the committee on Judiciary.

Mr. LaMoure moved

To suspend the rules, and that

House Bill No. 204

Be passed to its third reading and final passage.

Which motion prevailed.

House Bill No. 204. A bill for an act regulating the term of office of auditors in the counties of Cass, Grand Forks and Traill,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Walsh.

So the bill passed, and its title was agreed to.

Mr. McLaughlin offered the following resolution and moved its adoption.

Resolved, That Patrick R. Smith, now under sentence of imprisonment to the Territorial prison at Sioux Falls, be and he is recommended to the clemency of the Governor of this Territory, and his immediate pardon respectfully and earnestly requested.

Which resolution was adopted.

Mr. Twomey moved

That the clerk be instructed to transmit a copy of the resolution to the Governor at his earliest convenience.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 46. A bill for an act to establish public highways on the county line between the counties of Yankton, Turner and Clay.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, LaMoure, Richardson, Wagner, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 238. A bill for an act to secure the public health and safety against unwholesome provisions.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Farmer, Flittie, Gamble, LaMoure, Pettigrew, Twomey.

So the bill passed and its title was agreed to.

BISMARCK, March 6, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed

House Bill No. 201. A bill for an act prescribing the time and place for holding the district court, exercising the powers and jurisdiction of the district and circuit courts of the United States within the Second Judicial District, and which is herewith transmitted and a concurrence respectfully requested.

Very Respectfully,

C. M. REED.
Chief Clerk House.

Mr. Jones moved

That the further consideration of

House Bill No. 201. A bill for an act prescribing the time and place for holding the district court, exercising the powers and jurisdiction of the district and circuit courts of the United States within the Second Judicial District, be and the same is indefinitely postponed.

Ayes and nays called for.

The roll being called there were, ayes 18; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetsou, Jones, LaMoure, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Kennedy, Nickeus, Richardson, Wagner.

Absent and not voting:

Mr. Flittie.

So the motion prevailed.

Mr. Gamble moved

To reconsider the order by which the previous question was carried, and that the motion to reconsider be laid upon table,

Which motion prevailed.

House Bill No. 309. A bill for an act to amend an act to incorporate the city of Larimore, Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, LaMoure, Pettigrew, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 326. A bill for an act for an appropriation to improve the navigation of the water way or route between Big Stone Lake and Red River of the North, and for other purposes.

Was read the third time.

Mr. Natwick moved

To adopt the report of the committee, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, LaMoure, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 95. A bill for an act to amend sections 12 and 21 of chapter 112 of the Laws of 1883.

Was read the third time.

Mr. Washabaugh moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Flittie, LaMoure, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 159. A bill for an act to define the boundaries of Billings, Villard, Dunn and Wallace counties,

Was read the third time.

Mr. Kennedy moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called on the final passage of the bill, as amended, there were ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Day, Flittie, LaMoure, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 246. A bill for an act to define the boundaries of Ramsey and Benson counties, and for other purposes.

Was read the third time.

Mr. Nickeus moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Day, Flittie, Gamble, LaMoure, Twomey, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 303. A bill for an act to authorize the village of Eagan to issue bonds.

Was read the third time.

Mr. Cameron moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 16; nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Jones, Kennedy, McLaughlin, Natwick, Richardson, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Pettigrew, Smedley, Twomey.

Absent and not voting:

Messrs. Austin, LaMoure and Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 92. A bill for an act creating Nelson county as a legal subdivision, and providing for a term of court therein.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. LaMoure being absent.

Mr. Bowdle moved

That the Council adjourn until to-morrow at 2 o'clock p. m., and that the Council take up at that time to-day's order of business.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-FOURTH DAY.

BISMARCK, Saturday, March 7, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer was offered by the Chaplain.

The roll being called, all the members were present.

The Journal of Saturday, February 28, 1885, read, corrected and approved.

Mr. Jones moved

That a committee of conference upon

House Bill No. 71

Be appointed.

Which motion prevailed.

The President appointed as such committee Messrs. Jones, Nickeus and Huetson.

The Journal of the previous day was then read, corrected and approved.

The President announced the following committee on Legislative apportionment:

Messrs. Huetson, Gamble, Wagner, Pettigrew, Natwick, Day, Kennedy, Washabaugh, Nickeus, Twomey, Walsh, LaMoure.

MESSAGES FROM THE HOUSE.

BISMARCK, March 7, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following bills, to-wit:

House Bill No. 186. A bill for an act to provide for the

erection of a court house and jail for the county of Clark, and for other purposes.

Also,

House Bill No. 202. A bill for an act to provide for the organization and government of the University of the Missouri, and for other purposes.

Also,

House Bill No. 369. A bill for an act establishing Independent School District of Walcott, Richmond county, D. T.

Also,

House Bill No. 370. A bill for an act to provide for the bonding of the outstanding indebtedness of Big Stone school township in Grant county, D. T.

Also,

House Bill No. 371. A bill for an act to change the names of Walter F. Jones to Walter F. Cushing.

Also,

House Bill No. 15. A bill for an act relating to the foreclosure of chattel mortgages.

Also,

House Bill No. 105. A bill for an act to establish a fence law in the counties of Fall River, Custer and other counties, and for other purposes.

Also,

House Bill No. 364. A bill for an act creating the county of Adams, and for other purposes,

Also,

Council substitute for

House Bill No. 99. A bill for an act to amend an act entitled an act to incorporate the city of Aberdeen, in Brown county, to which the House made an amendment.

Also,

House Bill No. 350. A bill for an act to change the names of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford.

Also,

House Bill No. 336. A bill for an act to change the names of Andreas Anderson, Seymour Anderson, Anna Anderson, Clara M. Anderson and Carl A. Anderson to Andreas A. Frydenlund, Seymour Frydenlund, Anna C. Frydenlund, Clara M. Frydenlund and Carl A. Frydenlund.

Also,

House Bill No. 47. A bill for an act to amend section 17 of chapter 28 of the Political Code, and for other purposes.

Also,

House Bill No. 315. A bill for an act to amend the charter of the city of Elk Point, Union county.

Also,

House Bill No. 257. A bill for an act providing for a school board for the city of Lisbon, and for other purposes.

All of which are herewith transmitted, and a concurrence in the same by your honorable body is respectfully requested.

Also,

Am requested to announce to your honorable body that the House of Representatives has had under consideration and passed the following Council Bills, to-wit:

Council Bill No. 185. A bill for an act to incorporate the city of Madison, Dakota, with an amendment.

Also,

Council Bill No. 202. A bill for an act granting a charter to the city of Columbia, with an amendment.

Also,

Council Bill No. 133. A bill for an act establishing civil townships in Traill county, Dakota Territory, with an amendment.

Also,

Council Bill No. 144. A bill for an act for the incorporation of the city of Scotland, with an amendment.

Also,

Council Bill No. 165. A bill for an act entitled an act to amend section 656 of the Civil Code, with an amendment.

Also,

House Bill No. 217. A bill for an act to amend section 4 of the act entitled an act providing for the erection of a court house and jail for Walsh county, Dakota Territory.

Also,

Council Bill No. 225. A bill for an act to improve the public school system of the city of Pierre.

Also,

Council Bill No. 229. A bill for an act establishing independent school district of Conova, Miner county, Dakota.

Also,

Council Bill No. 234. A bill for an act to fund the road and bridge indebtedness of Stutsman county and providing for the issue and sale of bonds to pay for the same.

Also,

Council Bill No. 248. A bill for an act to fund the indebtedness of Coddington county.

Also,

Council Bill No. 265. A bill for an act to establish independent school district of Howard.

Also,

Council Bill No. 277. A bill for an act authorizing the board of county commissioners of Cass county to issue bonds for the purpose of funding the indebtedness of the road and bridge tax.

Also,

Council Bill No. 278. A bill for an act authorizing the board of county commissioners of Cass county to issue bonds for finishing and furnishing the court house.

Also,

Council Bill No. 83. A bill for an act to amend section 15 chapter 21, of the Revised Code was not concurred in and so the bill was lost.

All of which are herewith returned and a concurrence in the several amendments made to the bills is respectfully requested.

I am also requested to announce to your honorable body that the House of Representatives refuse to concur in the amendments made by the Council to

House Bill No. 71,

For an act to amend section 47 of chapter 27, Revised Code granting women the right of suffrage, and that a committee of conference is respectfully requested to confer with a like committee appointed by the house, to consider said bill and its amendment.

All of which is respectfully submitted.

Also,

I am requested to announce to your honorable body that the House of Representatives has had under consideration and concurred in.

Council Bill No. 156. A bill for an act to revise and amend article 11 of the Civil Code and to which the House has made amendments.

Also,

Council Bill No. 102. A bill for an act creating the office of commissioner of immigration, etc., and for which the House has passed a substitute bill.

Also,

Council Bill No. 264. A bill for an act to authorize the boards of county commissioners of Minnehaha and other counties to aid certain persons whose crops were destroyed by storms.

All of which are herewith returned and a concurrence by your honorable body to the several amendments is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

SPECIAL ORDERS.

The President announced that the hour had arrived for the consideration of

Substitute for

Council Bills Nos. 14, 56, 67 and 69. A bill for an act making appropriations for the maintenance of the charitable, penal and educational institutions of this territory and for other purposes.

The bill was then read the third time.

Mr. LaMoure moved

To amend section 1 by inserting the following, viz:

"The stewards of each insane asylum shall be entitled to an annual salary of \$1,800 per year to be paid as provided by law for such officers, and there is hereby appropriated out of the territorial treasury out of any moneys not otherwise appropriated a sufficient sum to pay such annual salaries."

Mr. Nickeus moved

To amend the amendment by striking out "\$1,800," and insert in lieu thereof "\$1,500."

Which amendment was lost.

The question being upon the original amendment it was lost.

Mr. Bowdle moved

To amend section 2 by inserting after the word "appropriated," "for the ensuing two years."

Which amendment was adopted.

Mr. Nickeus moved

To amend by adding after "\$2,000," "and for the return of patients, and burial of dead, \$800."

Also,

"For purchasing team and conveyance for patients \$700."

Which amendments were adopted.

Mr. Huetson moved

To amend section 4 in line 4 by striking out "\$20,000" and insert in lieu thereof \$16,750. Also in line 6 strike out "\$4,000" and insert in lieu thereof "\$3,000."

Which amendments were lost.

Mr. Cameron moved

To amend section 6, in line 4 by striking out "\$9,000" and insert in lieu thereof "\$10,000."

Which amendment was adopted.

Mr. Cameron moved

To amend section 4 in line 5 by striking out "\$1,000," and insert in lieu thereof "\$2,000."

Which amendment was adopted.

Mr. Jones moved

To amend by adding to line 9 of section 8, the following: "\$2,000 for teachers services rendered during the year 1884"

Which amendment was adopted.

Mr. Twomey moved

To amend by striking out in section 9 of line 6 the following words, viz: "résiding in the territory."

Ayes and nays called for.

The roll being called, there were, ayes 10; nays 13.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Huetson, Kennedy, La-Moure, McLaughlin, Nickeus, Twomey, Wagner.

Those who voted in the negative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Jones, Pettigrew, Richardson, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Mr. Natwick.

So the amendment was lost.

Mr. Pettigrew moved

To amend by striking out section 10.

Which amendment was adopted.

Mr. Pettigrew moved

To add at the end of section 11 the following: And the provision of chapter 25 of the Special Laws of 1883, so far as applicable shall apply to the officers and management of the Reform School at Bismarck, Dakota.

Which amendment was adopted.

Mr. Nickeus moved

To amend by inserting in line 2 of section 11 before the word "reform," "temporary."

Which amendment was adopted.

Mr. Pettigrew moved

To amend by adding at the end of section 12, the following: For steam heating and plumbing, \$6,000; for sewerage, \$1,000; for yard wall \$1,000.

Which amendment was adopted.

Mr. Pettigrew moved

To amend line 6, section 12 as follows: Strike out furniture \$1,500 and insert for furniture \$2,000.

Which amendment was adopted.

Mr. Pettigrew moved

To amend section 12 by adding at the end of line 3 after the word "territory" the words "for two years."

Which amendment was adopted.

Mr. LaMoure moved

To amend section 9, line 6, by inserting after the words "lowest bidder" the words: after giving four weeks notice by publication in at least four newspapers of general circulation, two of which newspapers are published in North and two in South Dakota, the notice so published to state time and place of opening of such bids.

Which amendment was adopted.

Mr. Nickeus moved

To amend by striking out section 13.

Which amendment was lost.

Mr. Twomey moved

To amend section 14 by striking out the word "not."

Which amendment was lost.

Mr. Walsh moved

To amend section 15 by adding to same: amount due Thomas Hennessey, fourteen hundred and fifteen dollars.

Ayes and nays called for.

The roll being called there were. ayes 17; nays 7.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Huetson, Jones, Natwick, Pettigrew, Washabaugh, Wells, Mr. President.

So the amendment was carried.

Mr. Smedley moved

To amend section 15 in line 6, by making it read "\$2,500" instead of "\$1,000."

Which amendment was adopted.

The roll being called upon the final passage of the bill, as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, McLaughlin, Nickeus, Richardson.

So the bill passed and its title was agreed to.

Mr. Wagner asked for unanimous consent to make a report at this time.

There being no objection the President ordered that the report be received.

MR. PRESIDENT:

Your committee on Counties, to whom was referred House Bill No. 212. A bill for an act to relocate the county seat of Spink county, Dak.

Also,

Substitute for

House Bill No. 179. An act to amend section 1, chapter 19, Laws of 1883.

Also,

House Bill No. 52. An act to amend section 42, chapter 21 of the Political Code.

Also,

House Bill No. 240. An act to divide the county of Emmons and create the county of Winona.

Also,

House Bill No. 282. A bill for an act to create the county of Washington and define its boundaries.

Also,

House Bill No. 233.

A bill for an act to change the name of the township of Logan, Aurora county.

Also,

House Bill No. 302.

A bill for an act to change the boundaries of Chrystal and Park townships, in the county of Pembina.

Also,

Council Bill No. 294.

A bill for an act entitled an act to authorize a special election in the county of Steele.

Also,

Council Bill No. 118.

A bill for an act to provide for changing the boundaries of counties.

Also,

House Bill No. 338.

A bill for an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof.

Also,

Council Bill No. 271.

A bill for an act to create an auditor for Spink county, Dakota.

Have had the same under consideration, and beg leave to report same back with the recommendation that they do pass, except

Council Bill No. 271,

For which your committee herewith submit a substitute bill, and recommend that the substitute do pass.

B. R. WAGNER,

Chairman.

Mr. Richardson from the committee on Engrossed and Enrolled bills, made the following report at this time.

MR. PRESIDENT:

Your committee on Engrossment and Enrollment, to whom was referred

Council Bills Nos. 115, 176, 212, 213, 216, 227, 236, 246, 151, 274, 211, 183 and 178.

Beg leave to report that they have had the same under consideration and return the same back as correctly enrolled.

CHARLES RICHARDSON,
Chairman.

Mr. Gamble moved

To suspend the rules, and that

House Bill No. 186

Be given its first, second and third readings by title and put upon its final passage.

Which motion prevailed.

House Bill No. 186. A bill for an act to provide for the erection of a court house and jail for the county of Clark, and for other purposes.

Was then read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, McLaughlin, Natwick, Nickeus, Richardson, Twomey.

So the bill passed and its title was agreed to.

Mr. Cameron moved

To suspend the rules and that the special order for to-day at 3 o'clock p. m. consideration of

Council Bill No. 35

Be postponed until Monday next at 2 o'clock p. m.

Which motion prevailed.

Mr. Twomey moved

To reconsider the vote by which

Council Bill No. 276

Was passed yesterday.

Which motion was lost.

Mr. Cameron moved

That the Council concur in House amendment to Council Bill No. 185.

Which motion prevailed.

Mr. Flittie moved

That the Council concur in House amendment to Council Bill No. 133.

Which motion prevailed.

Mr. Kennedy moved

That the Council now concur in House amendment to Council Bill No. 202.

Which motion prevailed.

Mr. Gamble moved

That the Council now concur in House amendment to Council Bill No. 144. □

Which motion prevailed.

Mr. Walsh moved

That the Council now concur in House amendment to Council Bill No. 165.

Which motion prevailed.

Mr. LaMoure asked for unanimous consent to make a report at this time.

There being no objection the President so ordered.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

House Bills Nos. 290, 169, 286 and Council Bill No. 316. Report the same back without recommendation.

JUDSON LAMOURE,
Chairman.

Mr. Wagner moved

To suspend the rules and that House Bill No. 212,

Be taken up and given its third reading and put upon its final passage.

Which motion prevailed.

House Bill No. 212. A bill for an act to re-locate the county seat of Spink county, Dakota.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Pettigrew, Smedley, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Farmer, McLaughlin, Nickeus, Richardson, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Cameron moved

To suspend the rules and that

House Bill No. 286

Be read the third time and put upon its final passage.

Which motion prevailed.

House Bill No. 286. A bill for an act to change the name of the village of Nordland, in Kingsbury county, Dakota, to that of Arlington.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Smedley, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Farmer, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No 240. A bill for an act to divide the county of Emmons and create the county of Winona.

Was read the third time.

Mr. Westover moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Pettigrew, Smedley, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Cameron, Farmer, McLaughlin, Natwick, Nickeus, Richardson, Twomey, Washabaugh, Wells.

So the bill passed and its title was agreed to.

House Bill No. 169. A bill for an act providing a charter for the city of Clark, D. T.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Flittie, Huetson, Jones, Kennedy, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Farmer, Gamble, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley.

So the bill passed and its title was agreed to.

Messrs. Jones and Bowdle asked unanimous consent to introduce Council Bills Nos. 322, 323 and 324 and have them read the first and second times and referred.

Which motion prevailed.

Mr. Jones introduced—

Council Bill No. 322. A bill for an act to define the powers of the Presbytery of South Dakota.

Which was read the first time.

Mr. Bowdle introduced—

Council Bill No. 324. A bill for an act to amend an act to incorporate the city of Chamberlain.

Which was read the first time.

Also,

Council Bill No. 323. A bill for an act amending an act to incorporate the city of Mitchell, passed by the Fifteenth Legislative Assembly.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 322

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 323

Read the second time and referred to the committee on Cities and Municipal Corporations.

Council Bill No. 324

Read the second time and referred to the committee on Cities and Municipal Corporations.

THIRD READING OF HOUSE BILLS.

House Bill No. 225. A bill for an act to amend paragraph 1 of section 1970 of the Civil Code,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Day, Flittie, Gamble, Huetson, Kennedy, LaMoure, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Jones, McLaughlin, Natwick, Nickeus, Richardson.

So the bill passed and its title was agreed to.

The chair ordered if there was no objection, that all House Bills would be considered as read the first and second times and be referred.

There being no objection,

House Bills Nos. 47, 15, 371, 370, 350, 315, 336, 257, 202, 105, 364, 369,

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 47

Read the second time and referred to the committee on Judiciary.

House Bill No. 15

Read the second time and referred to the committee on Judiciary.

House Bill No. 371

Read the second time and referred to the committee on Judiciary.

House Bill No. 370

Read the second time and referred to the committee on Revenue.

House Bill No. 350

Read the second time and referred to the committee on Judiciary.

House Bill No. 315

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 336

Read the second time and referred to the committee on Judiciary.

House Bill No. 257

Read the second time and referred to the committee on Education.

House Bill No. 202

Read the second time and referred to the committee on Appropriations.

House Bill No. 105

Read the second time and referred to the committee on Mines and Mining.

House Bill No. 364

Read the second time and referred to the committee on Counties.

House Bill No. 369

Read the second time and referred to the committee on Education.

Mr. Gamble asked for unanimous consent to make reports at this time.

There being no objection the President so ordered, and they were received and read, viz:

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred House Bill No. 198,

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 308. A bill for an act to amend an act to fund the indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks, passed at the thirteenth session

of the Legislative Assembly of the Territory of Dakota, held in 1879.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
Chairman.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 6, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Substitute for

Council Bills Nos. 25 and 73

And

House Bill No. 8. An act to provide for the establishment of a board of railroad commissioners, defining their duties, and for other purposes.

Also,

Have approved

Council Bills Nos. 15, 78, 57, 50, 70 and 56.

GILBERT A. PIERCE,
Governor.

THIRD READING OF HOUSE BILLS.

House Bill 198. A bill for an act to amend section 414 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays one.

Those who voted in the affirmative were:

Messrs. Day, Flittie, Gamble, Huetsen, LaMoure, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Twomey voting in the negative.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Jones, McLaughlin, Natwick, Nickeus, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 308. A bill for an act to amend an act entitled an act to fund the indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks, passed at the 13th Session of the Legislative Assembly held in 1879,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Flittie, Kennedy, LaMoure, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, Gamble, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 209. A bill for an act to amend section 759 of the Penal Code, relating to terms of imprisonment.

Was read the third time and put upon its final passage.

The roll being called, there were ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, LaMoure, Natwick, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 364. A bill for an act creating the county of Adams, and for other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, Natwick, Pettigrew, Smedley, Wagner, Wells, Walsh, Mr. President.

Mr. Kennedy voting in the negative.

Absent and not voting:

Messrs. Bowdle, McLaughlin, Richardson, Nickeus, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

House Bill No. 179. A bill for an act to amend section 1, chapter 19, Laws of 1883.

Was read the third time.

Mr. Jones moved

To amend by adding to section 2, "So far as it relates to Faulk county."

Which was adopted.

The roll being called, upon the final passage of the bill there were ayes 15, nays none.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, Pettigrew, Smedley, Washbaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Kennedy, McLaughlin, Natwick, Nickeus, Twomey, Richardson, Wagner.

So the bill passed and its title was agreed to.

Mr. Gamble moved

That the Council now concur in House amendments to Council Bill No. 102.

Which motion prevailed.

Mr. Cameron moved

That the Council concur in House amendments to Council Bill No. 264.

Which motion prevailed.

Mr. Smedley moved

That the Council now adjourn.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

... FIFTY-SIXTH DAY.

BISMARCK, Monday, March 9, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer was omitted, the chaplain being absent.

The roll being called, all members were present.

The Journal of the previous day read, corrected and approved.

The President announced the following as additional enrolling and engrossing clerks:

G. D. Thomas, Fred Rogers and Jas. B. Estie.

PETITIONS AND COMMUNICATIONS.

Mr. Huetson presented the following petition from the citizens of Canton, pertaining to highways,

Which was referred to the committee on Bridges and Highways.

The undersigned owners and residents of James A. Carpenter's second addition to Canton, and Smith & Carpenter's addition to Canton, Lincoln county, Dakota, do hereby ask the Legislative Assembly of Dakota Territory to vacate said James A. Carpenter's second addition to Canton, and Smith & Carpenter's addition to Canton, except that Bridge street shall remain as a public highway from the river to Avenue H, and Avenue H remain as a public highway from the north line section 25 to highway south, said additions being outside of the city limits of Canton, and not connected therewith except by farming lands, and lying near the Big Sioux river is subject to overflow thereby, and portions of it was overflowed and buildings washed

out, and otherwise removed until no buildings are now remaining except as owned by the undersigned.

EDWIN E. CARPENTER.
 MARY E. CARPENTER.
 JAMES A. CARPENTER.
 FRANK W. STANLEY.
 BERNHART GILBERTSON.
 DAVID HERMAN.
 NANCY A. CARPENTER.

Mr. Nickeus asked unanimous consent to introduce a resolution at this time.

Which was granted.

Resolved, That the Secretary of the Territory be requested to inform this Council of the official vote cast in this Territory by counties on November 4th, 1884, and that said information be furnished as soon as possible.

Mr. Nickeus moved
 The adoption of the same.

Which motion prevailed.

Mr. Jones offered the following resolution and moved its adoption.

Resolved, By the Council, the House of Representatives concurring, that the present session of the Territorial Legislature, being the Sixteenth Session thereof, do adjourn without day on Friday, the 13th day of March, A. D. 1885, at 12 o'clock, noon, of said day.

Mr. Nickeus moved
 To amend by making it 12 o'clock p. m.

Which was lost.

The question being upon the original resolution it was adopted.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Appropriation have had
 House Bill No. 20. A bill for an act to appropriate funds for the construction of a Normal School at Springfield under consideration and report the same back and recommend that it do not pass.

Also.

House Bill No. 73. To locate a Normal School at Minto.

Have had the same under consideration and report the same back and recommend that it do not pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 138.

Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 255.

Have had the same under consideration and recommend that the same do pass.

Also,
Council Bill No. 287.

Have had the same under consideration and recommend that it do pass,

Also,
House Bill No. 170.

Having considered the same recommend its passage.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee upon Elections have had under advisement

Council Bill No. 303. A bill for an act to provide a special election in the county of Roulette for the election of county officers and locating county seat and recommend its passage.

A. SHERIDAN JONES,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred
House Bill No. 370,

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Warehouse and Grain, to whom was referred

Council Bill No. 2. A bill for an act to regulate elevators and the inspection of grain.

Have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

GEORGE H. WALSH,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations to whom was referred

House Bills Nos. 229, 358, 139, 360, 366, 22 and 143,

Have had the same under consideration, and recommend that they do pass.

Also,

Council Bills Nos. 324 and 323, and House bill No. 315,

Have had the same under consideration, and recommend that they do pass.

Also,

House Bill No. 367,

Have had the same under consideration and report the same back and recommend its passage.

JUDSON LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Education to whom was referred

House Bill No. 285. A bill for an act to repeal chapter 36 of the Session Laws of 1883.

Have had the same under consideration, and beg leave to report the same back with the recommendation that the bill do pass.

Also,

House Bill No. 241. A bill for an act to establish independent school district of Grandview, in the county of Douglass, Territory of Dakota, and for other purposes.

Have had the same under consideration, and beg leave to report the same back with the recommendation that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled Bills beg leave to report

Council Bills Nos. 99, 102, 277, 278, 219, 234, 155 and 233, as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 295. A bill for an act to vacate certain town plats and additions.

Have had the same under consideration and recommend its passage.

Also,

House Bill No. 90,

Have had the same under consideration and beg leave to report the same back with the recommendation that said bill do not pass.

Also,

House Bill No. 224. A bill for an act to authorize the Lenhman Elevator and Lumber Company, a corporation, to change its name.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 227. A bill for an act providing a method for changing the names of towns and villages.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 350. A bill for an act to change the names of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford,

Have had the same under consideration and recommend that the same do pass.

Also,

Council Bill No. 255. A bill for an act establishing Independent School District of Fairbank, Sully county, Dakota Territory,

Have had the same under consideration, and beg leave to report the same back without recommendation.

Also,

Council Bill No. 203. A bill for an act to amend an act entitled an act to create the office of District Attorney for the several counties of Dakota Territory, and for other purposes.

Have had the same under consideration, and beg leave to report the same back with the following amendment, with the recommendation that it do pass as amended.

Also,

Council Bill No. 315.

Have had the same under consideration, and beg leave to report the same back with the recommendation that the bill do pass.

Also,

Council Bill No. 289.

Have had the same under consideration, and beg leave to report the same back with the recommendation that said bill do pass.

Also,

Council Bill No. 305.

Have had the same under consideration, and beg leave to report the same back with recommendation that it do pass.

Also,

Council Bill No. 301,

Have considered the same and beg leave to report the same back without recommendation.

Also,

House Bill No. 349. Being a bill for an act to legalize the assessment of Butte county for the year 1883.

Have had the same under consideration and recommend that said bill do pass.

Also,

House Bill No. 239.

Have had the same under consideration and beg leave to report substitute as an amendment for said bill and recommend that said substitute do pass.

Also,

House Bill No. 371. A bill for an act to change the name of Walter F. Jones to Walter H. Cushing.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

House Bill No. 277.

Have had the same under consideration and beg leave to report the same back with the recommendation that the bill do pass.

Also,

House Bill No. 336. A bill for an act to change the names of certain parties.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do not pass.

Also,

House Bill No. 300

Under advisement and report the same back with the recommendation that the bill be indefinitely postponed.

Also,

Council Bill No. 232.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 222.

Have had the same under consideration and beg leave to report the same back with the recommendation that the bill do pass.

Also,

Council Bill No. 322. A bill for an act to define the powers of the Presbytery of South Dakota.

Beg leave to report that they have had the same under consideration and report the same back with the recommendation that it do pass.

Also,

House Bill No. 141.

Have had the same under consideration and beg leave to report the same back with the recommendation that said bill do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled Bills to whom was referred

Council Bills Nos. 178, 211, 274, 246, 151, 236, 227, 183, 215, 115, 176, 212 and 216.

Beg leave to report that they have this day, at 4:10 p. m., presented the same to His Excellency, the Governor, for his approval and signature.

CHAS. RICHARDSON,
Chairman.

INTRODUCTION OF BILLS.

Mr. Huetson introduced—

Council Bill No. 325.

And asked unanimous consent that it be read the first, second and third times and put upon its final passage.

There being no objection the President so ordered.

Council Bill No. 325. A bill for an act to vacate portions of the city of Canton, Lincoln county, Dakota.

Was then read the first, second and third time and put upon its final passage.

The roll being call there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, LaMoure, McLaughlin, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Wagner, Wells.

So the bill passed and its title was agreed to.

Mr. Wagner introduced—

Council Bill No. 326. A bill for an act entitled an act to establish independent school district No. 2 in Bon Homme county, Dakota.

Which was read the first time.

Mr. Day introduced—

Council Bill No. 327. A bill for an act to legalize certain acts of the county commissioners of Spink county, Dakota.

Mr. Walsh introduced—

Council Bill No. 328. A bill for an act providing for road grading.

Which was read the first time.

Mr. Bowdle moved

To suspend the rules and that
 Council Bills Nos. 326, 327 and 328
 Be passed to their second reading and reference.
 Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 326.

Read the second time and referred to the committee on
 Education

Council Bill No. 327

Read the second time, and referred to the committee on
 Judiciary.

Council Bill No. 328,

Read the second time and referred to the committee on
 Roads and Bridges.

Council Bill No. 308,

Read the second time and referred to the committee on
 Counties.

Council Bill No. 312,

Read the second time, and referred to the committee on
 Education.

Council Bill No. 313,

Read the second time, and referred to the committee on
 Judiciary.

Mr. Bowdle moved

To suspend the rules, and that

Council Bill No. 323

Be taken up, read the third time by its title and put
 upon its final passage.

Which motion prevailed.

Council Bill No. 323. A bill for an act to amend an
 act to incorporate the city of Mitchell.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Huetson,
 Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Wag-
 ner, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Jones, LaMoire, Nick-
 eus, Richardson, Twomey, Wells, Walsh.

So the bill passed and its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Twomey moved

That the Council now concur in the amendment to Council Bill No. 156

With the exception of those to section 39, and that a committee of conference upon the same be appointed.

Which motion prevailed.

And the amendments were concurred in.

The President appointed as such committee:

Messrs. Twomey, Pettigrew, Washabaugh.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 210. A bill for an act to enable Brown county to issue bonds to build a court house and jail.

Was read the third time.

Mr. Kennedy moved

To amend by way of a substitute.

Which motion was adopted.

Mr. Pettigrew moved

To amend by striking out section 10 and insert the following, viz: "This act shall take effect and be in force from and after division of Brown county and creation of Adams has been ratified by a vote of the people.

Which amendment was adopted.

The roll being called upon the final passage of the bill, as amended, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Farmer, Natwick, Richardson, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 324. A bill for an act to amend an act to incorporate the city of Chamberlain.

Was read the third time.

Mr. Smedley moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Kennedy, Richardson.

So the bill passed and its title was agreed to.

Council Bill No. 294. A bill for an act entitled an act to authorize a special election in the county of Steele.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, Richardson.

So the bill passed and its title was agreed to.

The President announced the appointment of Arthur Linn as assistant enrolling clerk.

Council Bill No. 310. A bill for an act creating the county of Norman.

Was read the third time,

Mr. Flittie moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Flittie moved

To suspend the rules,

And that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 17; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Gamble, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Wagner, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Jones, Pettigrew.

Absent and not voting:

Messrs. Farmer, Twomey, Wells.

So the bill passed and its title agreed to.

Mr. McLaughlin and Mr. Wagner moved

To suspend the rules and that they be allowed to introduce bills at this time and that they be given their first and second readings and reference.

Which motion prevailed.

Mr. McLaughlin introduced—

Council Bill No. 329. A bill for an act to repeal section 2 of chapter 35 of the Session Laws of 1883.

Which was read the first time.

Mr. Wagner introduced—

Council Bill No. 330. A bill for an act in relation to the United States Government bridge across Choteau creek and the Government road in the counties of Charles Mix and Bon Homme.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 330

Read the second time and referred to the committee on Highways and Bridges.

MESSAGES FROM THE HOUSE.

BISMARCK, March 9, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following Council bills, to-wit:

Council Bill No. 218. A bill for an act to provide for funding the indebtedness of Sully county, with an amendment.

Also,

Council Bill No. 325. A bill for an act entitled an act to amend sections 7 and 15 of chapter 39 of the Civil Code, with an amendment to the title of the bill.

Also,

Council Bill No. 162. A bill for an act to provide for funding the indebtedness of Potter county and for other purposes, with amendments.

Also,

Council Bill No. 174. A bill for an act to provide for funding the indebtedness of Hughes county, with an amendment.

Which are herewith returned and a concurrence to the amendments is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Huetson asked for unanimous consent to have House Bill No. 245 taken from the table and referred to the committee on Banks and Banking.

There being no objection, the President so ordered.

Mr. Walsh moved

That the Council now concur in
House amendments to
Council Bill No. 235.

Which motion prevailed.

Mr. Bowdle moved

That the Council now concur in
House amendments to
Council Bills Nos. 218, 162, and 174.

Which motion prevailed.

The President announced to the Council that if there was no objection the Council would take a recess until 1:30 o'clock p. m. to-day.

There being no objection, the President so ordered.

The Council met at 1:30 o'clock p. m.

Mr. Twomey and Mr. Smedley asked for unanimous consent to introduce bills at this time and have them read the first and second times and referred.

There being no objection, the President so ordered.

Mr. Smedley introduced—

Council Bill No. 331. A bill for an act to legalize the assessment of taxes in Roberts county for the year 1883,

Which was read the first time.

Mr. Twomey introduced—

Council Bill No. 332. A bill for an act to repeal section 3 of chapter 11, Laws of 1883, and to revive section 378 of the Code of Civil Procedure.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 331

Read the second time and referred to the committee on Judiciary.

Council Bill No. 332

Read the second time and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 271. A bill for an act to create the office of Auditor of Spink county, Dakota,

Was read the third time.

Mr. Smedley moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Natwick moved

To amend by inserting Brookings, Miner and Nelson counties.

Which was adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Day, Farmer, Huetson, Kennedy, Natwick, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Cameron, Duncan, Flittie, Gamble, Jones, LaMoure, McLaughlin, Pettigrew, Wagner, Wells.

So the bill passed, and its title was agreed to.

Council Bill No. 316. A bill for an act to incorporate the village of Volga, Brookings county, Dakota,

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Gamble, Huetson, Kennedy, Natwick, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Duncan, Flittie, Jones, LaMoure, McLaughlin, Pettigrew, Wagner, Wells.

So the bill passed and its title was agreed to.

Council Bill No. 315. A bill for an act amend section to 2 of chapter 9 of the laws of 1883, entitled capital punishment.

Was read the third time and put upon its final passage:

The roll being called, there were ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Natwick, Nickeus, Smedley, Twomey, Washabaugh, Walsh Mr. President.

Absent and not voting:

Messrs. Bowdle, Jones, Kennedy, LaMoure, McLaughlin, Pettigrew, Richardson, Wagner, Wells.

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 221. A bill in relation to vacation of town plats.

Was read the third time.

Mr. Natwick moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes. 12; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Natwick, Nickeus, Smedley, Twomey, Washabaugh.

Those who voted in the negative were:

Messrs. Pettigrew, Mr. President.

Absent and not voting:

Messrs. Bowdle, Gamble, Jones, Kennedy, LaMoure, McLaughlin, Richardson, Wagner, Wells, Walsh.

So the bill passed and its title was agreed to.

Council Bill No. 255. A bill for an act establishing independent school district of Fairbank, Sulley county, Dakota.

Was read the third time.

Mr. Huetson moved

To indefinitely postpone the further consideration of the same.

Which motion prevailed.

Council Bill No. 203. A bill for an act to amend an act entitled an act to create the office of district attorney for the several counties of Dakota Territory and for other purposes.

Was read the third time.

Mr. Walsh moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Pettigrew moved

To amend by striking out line 7 and all of line 8 but the word "the."

Also,

In line 10 insert after the word "increase," the words, "or deminish."

Which amendments were lost.

The roll being called upon the final passage of the bill, as amended, there were, ayes 14: nays, 3.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Gamble, Huetson, Jones, McLaughlin, Natwick, Nickeus, Twomey, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Pettigrew, Wells.

Absent and not voting:

Messrs. Bowdle, Flittie, Kennedy, LaMoure, Richardson, Smedley, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 118. A bill for an act to provide for changing the boundaries of counties.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 6; nays 8.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Jones, Pettigrew, Smedley, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Natwick, Nickeus, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Farmer, Flittie, Kennedy, Gamble, LaMoure, McLaughlin, Richardson, Wagner.

So the bill was lost.

Council Bill No. 303. A bill for an act entitled an act to provide a special election in the county of Roulette for the election of county officers and locating county seat.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Flittie, Huetson, Jones, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Farmer, Gamble, Kennedy, LaMoure, McLaughlin, Richardson, Smedley, Washabaugh.

So the bill passed and its title was agreed to.

House Bill No. 287. A bill for an act to amend section 7 of chapter 63 of the laws of 1881, entitled an act for the protection and encouragement of sheep husbandry and providing a bounty for wolf scalps.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Flittie, Huetson, Jones, Natwick, Nickeus, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, Gamble, Kennedy, LaMoure, McLaughlin, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 305. A bill for an act to amend chapter 1 of the special laws of 1883 relating to county auditors in

the counties of Brown, Grant, Day, Codington, Deuel, Sargeant, Ramson and Dickey.

Was read the third time and put upon its final passage. The roll being called there were, ayes, 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Gamble, Huetson, Jones, LaMoure, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, Kennedy, McLaughlin, Richardson, Washabaugh, Wells.

So the bill passed, and its title was agreed to.

Council Bill No. 301. A bill for an act to regulate the furnishing of intoxicating liquors.

Was read the third time.

Mr. Natwick moved

That the further consideration of

Council Bill No. 301

Be indefinitely postponed.

Which motion prevailed.

Council Bill No. 322. A bill for an act to define the powers of the Presbytery of South Dakota.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, LaMoure, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, Kennedy, McLaughlin, Richardson, Smedley, Washabaugh.

So the bill passed and its title was agreed to.

Council Bill No. 289. A bill for an act to repeal sections 64, 65, 66, 67 and 68, of chapter 112, of the Session Laws of 1883.

Was read the third time.

Mr. Pettigrew moved

To amend by inserting "chapter two" after the word "eight" in the third line.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Elittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Natwick.

So the bill passed and its title was agreed to.

MESSAGE FROM THE HOUSE.

BISMARCK, D. T., March 9, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following House bills, to-wit:

House Bills Nos. 363, 372, 337, 373, 176, 288, 287, 335, 279, 361, 365, 297, 280, 347, 345, 316, 300, 183, 278, 362, 376, 309, 393, 388, 265, 340, 314, 378, 320, 375, 327, 235, 299 and 318,

All of which are herewith transmitted and a concurrence in the same is respectfully requested.

I am also requested to announce the concurrence in and passage of the following Council Bills, to-wit:

Council Bills Nos. 66, 45, with an amendment; 288, 228, 139, 244, 300, 254, with an amendment; 286, 247, 111, 230 and 204.

All of which are herewith returned and a concurrence to the amendments made is respectfully requested.

Also,

I have the honor to return herewith

Council Bill No. 39. A bill for an act to provide funds for completing the agricultural college at Brookings, Dakota, and to repeal section 2, chapter 6, of chapter 3, of the Session Laws of 1883,

And to inform the Council that the House has receded from its amendments thereto.

Also,

Council Bill No. 156. A bill for an act to revise and amend article 11, of chapter 3, title 2, of part 3, of division second, of the Civil Code, entitled insurance corporations,

And to inform the Council that the House has receded from its amendment thereto.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Council Bill No. 295. A bill for an act to vacate certain towns and additions.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Pettigrew and Wagner.

Absent and not voting:

Messrs. Bowdle, LaMoure, Natwick, Nickeus.

So the bill passed and its title was agreed to.

Mr. Bowdle moved

That we now go into executive session in consideration of the Governor's sealed messages.

Which motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 9, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bill No. 115

Providing for constitutional convention for South Dakota preparatory to its admission into the Union as a State.

Also,

Have approved

Council Bills Nos. 236, 246, 216, 212, 75, 176, 214, 213, 227, 183, 211 and 115.

Also,
Have approved
Council Bill No. 151.

A bill for an act establishing school district No. 3 of Walsh county, Dakota, as an independent school district.

GILBERT A. PIERCE,
Governor.

SPECIAL ORDERS.

The President announced that the hour had arrived for the special orders and consideration of Council Bill No. 35.

Council Bill No. 35. A bill for an act entitled an act to create the office of public examiner and to define his duties.

Was then read the third time and put upon its final passage.

The roll being called there were, ayes 6; nays 13.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Flittie, McLaughlin, Richardson, Walsh.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Huetson, Jones, Kennedy, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Gamble, LaMoire, Natwick, Nickeus, Pettigrew.

So the bill was lost

Council Bill No. 2. A bill for an act entitled an act to regulate elevators and the inspection and weighing of grain.

Was read the third time.

Mr. Walsh moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 3; nays 15.

Those who voted in the affirmative were:

Messrs. Kennedy, Nickeus, Walsh.

Those who voted in the negative were:

Messrs. Bowdle, Day, Duncan, Farmer, Huetson, Jones, LaMoire, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Gamble, McLaughlin, Natwick.

So the bill was lost.

Mr. Westover moved

That the Council now concur in House amendment to Council Bill No. 45.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 143. An act amending the charter of the city of Mandan.

Was read the third time.

Mr. Nickeus moved

To suspend the rules and that the further reading of the bill be dispensed with and the report of the committee be adopted.

Which motion prevailed.

The roll being called on the final passage of the bill, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Gamble, Natwick, Pettigrew, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 260. A bill for an act for the relief of Milton C. Conners.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Day, Duncan, Gamble, LaMoure, Natwick, Pettigrew, Walsh, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 290. A bill for an act to incorporate the city of Big Stone City, Grant county, Dakota, and to create an independent school district.

Was read the third time.

Mr. Smedley moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Day, Duncan, Gamble, LaMoure, Natwick, Richardson, Twomey, Walsh, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 315. A bill for an act to amend the charter of the city of Elk Point, Union county,

Was read the third time and put upon its final passage.

The roll being called there were, ayes 13; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Twomey, Wagner, Wells.

Those who voted in the negative were:

Messrs. Pettigrew, Washabaugh.

Absent and not voting:

Messrs. Day, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Walsh, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 255. A bill for an act to provide for ascertaining the acreage of timber in Dakota Territory,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 12; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Pettigrew, Smedley, Wagner, Wells.

Those who voted in the negative were:

Messrs. Washabaugh, Walsh.

Absent and not voting:

Messrs. Bowdle, Gamble, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Twomey, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 170. A bill for an act to amend section 34 of chapter 75 of the Session Laws of 1883, in regard to drainage,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 11; nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Gamble, LaMoure, McLaughlin, Smedley, Twomey.

Those who voted in the negative were:

Messrs. Huetson, Jones, Pettigrew, Wagner, Washabaugh, Walsh.

Absent and not voting:

Messrs. Flittie, Kennedy, Natwick, Nickeus, Richardson, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 349. A bill for an act to legalize the assessment of Butte county for the year 1883,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Gamble, Huetson, Jones, LaMoure, McLaughlin, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Walsh.

Mr. Duncan voted in the negative.

Absent and not voting:

Messrs. Bowdle, Farmer, Flittie, Kennedy, Natwick, Richardson, Smedley, Wells, Mr. President.

So the bill passed, and its title was agreed to.

House Bill No. 229. A bill for an act to amend an act to incorporate the village of Parker, Turner county, Dakota, and define its boundaries.

Was read the third time.

Mr. Smedley moved

That the rules be suspended and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill there were, ayes 15; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdler, Cameron, Day, Duncan, Flittie, Gamble, Huetson, Kennedy, LaMoure, Nickeus, Twomey, Washabaugh, Wells, Walsh.

Those who voted in the negative were;

Mr. Pettigrew.

Absent and not voting :

Messrs. Farmer, Jones, McLaughlin, Natwick, Richardson, Smedley, Wagner, Mr. President.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

To suspend the rules and that all House bills not read be considered as read the first and second time and referred.

There being no objection the President so ordered, and they were read and referred as follows :

FIRST READING OF HOUSE BILLS.

House Bills Nos. 363, 345, 309, 314, 265, 235, 279, 288, 287, 297, 393, 388, 375, 299, 327, 340, 320, 318, 335, 280, 300, 347, 183, 361, 316, 278, 362, 176, 365, 373, 337.

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 363

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 345

Read the second time and referred to the committee on Counties.

House Bill No. 309

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 314

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 265

Read the second time and referred to the committee on Judiciary.

House Bill No. 235

Read the second time and referred to the committee on Agriculture.

House Bill No. 279

Read the second time and referred to the committee on Appropriations.

House Bill No. 288

Read the second time and referred to the committee on Education.

House Bill No. 287

Read the second time and referred to the committee on Education.

House Bill No. 297

Read the second time and referred to the committee on Judiciary.

House Bill No. 393

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 388

Read the second time and referred to the committee on Education.

House Bill No. 375

Read the second time and referred to the committee on Education.

House Bill No. 299

Read the second time and referred to the committee on Counties.

House Bill No. 327

Read the second time and referred to the committee on Education.

House Bill No. 340

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 320

Read the second time and referred to the committee on Counties.

House Bill No. 318

Read the second time, and referred to the committee on Appropriations.

House Bill No. 335

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 280

Read the second time and referred to the committee on Judiciary.

House Bill No. 300

Read the second time, and referred to the committee on Judiciary.

House Bill No 347

Read the second time and referred to the committee on Judiciary.

House Bill No. 183

Read the second time and referred to the committee on Counties.

House Bill No. 361

Read the second time and referred to the committee on Appropriations.

House Bill No. 316

Read the second time and referred to the committee on Revenue.

House Bill No. 278

Read the second time and referred to the committee on Territorial Affairs.

House Bill No. 362

Read the second time and referred to the committee on Counties.

House Bill No. 176

Read the second time and referred to the committee on Counties.

House Bill No. 365

Read the second time and referred to the committee on Railroads.

House Bill No. 373

Read the second time and referred to the committee on Revenue.

House Bill No. 337

Read the second time and referred to the committee on Education.

Mr. Nickeus moved

To suspend the rules, and that

House Bill No. 372

Be passed to its third reading and final passage.

House Bill No. 372. A bill for an act to amend an act entitled an act defining the boundaries of Kidder county.

Was read the third time and put upon its final passage.
The roll being called, there were, ayes 14; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Gamble, Jones, Kennedy, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Walsh.

Those who voted in the negative were:

Messrs. Huetsen, Wagner, Wells.

Absent and not voting:

Messrs. Duncan, Farmer, LaMoure, McLaughlin, Natwick, Richardson, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 358. A bill for an act entitled an act to change the name of the township of Blaine, Burleigh county, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 7; nays 10.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Kennedy, Nickeus, Richardson, Twomey, Washabaugh.

Those who voted in the negative were:

Messrs. Austin, Day, Flittie, Gamble, Huetsen, Jones, McLaughlin, Smedley, Wagner, Wells.

Absent and not voting:

Messrs. Duncan, Farmer, LaMoure, Natwick, Pettigrew, Walsh, Mr. President.

So the bill was lost.

Substitute for

House Bill No. 239. An act to provide for county commissioners in the counties of Richland, Faulk, Hyde and Sargent.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh.

Mr. Wagner voting in the negative.

Absent and not voting:

Messrs. Duncan, Farmer, LaMoure, Natwick, Nickeus, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 52. An act to amend section 42, chapter 21 of the Political Code.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 15; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Flittie, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Austin, Duncan, Gamble, Jones, LaMoure, McLaughlin, Natwick. Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 222. A joint resolution asking for the opening of the Wahpeton and Sisseton Indian Reservations.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Austin, Day, Kennedy, LaMoure, Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 73. A bill for an act appropriating funds for the construction of a Normal School building at Minto, Walsh county, Dakota Territory, and for other purposes.

Was read the third time.

Mr. Pettigrew moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 20. A bill for an act appropriating funds for the construction of a Normal School building at Springfield, Bon Homme county, Dakota Territory, and for other purposes.

Was read the third time.

A call of the House was asked for by six members and the President so ordered.

Mr. Walsh moved

To suspend further proceedings under the call of the House.

Which motion prevailed.

Mr. Walsh moved that

House Bill No. 20,

Be laid over until to-morrow at 2 o'clock p. m.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 14; nays 7.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner. Walsh.

Those who voted in the negative were.

Messrs. Duncan, Farmer, Huetson, Jones, Smedley, Washabaugh, Wells.

Absent and not voting:

Messrs. Austin, Natwick, Mr. President.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

The reconsideration of the vote by which

House Bill No. 20

Was passed and to lay the motion upon the table.

Ayes and nays called for.

The roll being called there were, ayes 10; nays 11.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Pettigrew, Smedley, Twomey, Washabaugh, Wells.

Absent and not voting:

Messrs. Austin, Natwick, Mr. President.

So the motion was lost.

House Bill No. 60. A bill for an act establishing the Dakota Forestry Institution and providing for the government and maintenance of the same.

Was read the third time.

Mr. Pettigrew moved

That the further consideration of
House Bill No. 60

Be indefinitely postponed.

Which motion prevailed.

House Bill No 285. A bill for an act to repeal chapter 36 of the Session Laws of 1883.

Was read the third time and put upon its final passage.

Mr. Twomey moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 241. A bill for an act to establish the independent school district of Grand View, in the county of Douglass, Territory of Dakota, and for other purposes.

Was read the third time.

Mr. Bowdle moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washbaugh, Wells, Walsh.

Absent and not voting:

Messrs. Day, Duncan, Natwick, Pettigrew, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 194. A bill for an act to establish a county commissioner district in the county of Brown.

Was read the third time.

Mr. Kennedy moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 282. A bill for an act to create the county of Washington and define its boundaries.

Was read the third time.

Mr. Twomey moved

That the bill be recommitted to the committee on Counties.

Which motion prevailed.

House Bill No. 233. A bill for an act to change the name of the township of Logan, 103-64, Aurora county.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 17; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Austin, LaMoure, McLaughlin, Natwick, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 302. A bill for an act to change the boundaries of Crystal and Park townships, in the county of Pembina.

Was read the third time.

Mr. Pettigrew moved

That the bill be recommitted to the committee on Cities and Municipal Corporations.

Which motion prevailed.

House Bill No. 338. A bill for an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof,

Was read the third time.

Mr. Walsh moved

To amend by adding at the end of section 1: "or at such other place as the boards of county commissioners may designate."

Which motion prevailed.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Cameron, Flittie, Gamble, LaMoure, Natwick, Pettigrew, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 224. A bill for an act to authorize the Lenham Elevator and Lumber company, a corporation, to change its name,

Was read the third time and put upon its final passage.

The roll being called, there were ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Huetson, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh.

Absent and not voting:

Messrs. Duncan, Flittie, Gamble, Jones, LaMoure, Natwick, Pettigrew, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 227. A bill for an act providing a method for changing the names of towns and villages,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner.

Those who voted in the negative were:

Messrs. LaMoure, Pettigrew, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 138. A bill for an act to provide for the appointment of sheep inspectors.

Was read the third time.

Mr. Smedley moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson,

Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh.

Mr. Twomey voting in the negative.

Absent and not voting:

Messrs. Austin, Bowdle, Flittie, Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 366. A bill for an act to change the name of the town of Marshall to Englevale.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells, Walsh.

Those who voted in the negative were:

Messrs. McLaughlin and Washabaugh.

Absent and not voting:

Messrs. Day, LaMoure, Natwick, Pettigrew, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 350. A bill for an act to change the names of Edward C. Hitchcock and Louise Jane Hitchcock to Edward C. Brelsford and Louise Jane Brelsford.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells.

Those voting in the negative were:

Messrs. McLaughlin, Nickeus, Pettigrew, Walsh.

Absent and not voting:

Messrs. Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 141. A bill for an act to amend section 126 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 4.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells.

Those who voted in the negative were:

Messrs, Duncan, Wagner Walsh.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, LaMoure, Natwick, Nick-eus, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 90. A bill for an act to amend section 5 of chapter 43 of the laws of 1883 and for other purposes.

Was read the third time.

Mr. Austin moved

That the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 22. A bill for an act to regulate the change of the names of towns.

Was read the third time.

Mr. Pettigrew moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 360. A bill for an act to change the name of the town of Victoria, in the county of McLean and Territory of Dakota, to Coal Harbor.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 13; nays 8.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Gamble, Huetsen, Jones, Pettigrew, Wagner, Washabaugh, Wells.

Absent and not voting:

Messrs. Kennedy, Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill 139. A bill for an act to prohibit the licensing or sale of intoxicating liquors within one mile of Iroquois

and Denver, when no license is granted in Kingsbury county.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 12; nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Huetson, Kennedy, Pettigrew, Smedley, Twomey, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Bowdle, Jones, LaMoure, McLaughlin, Wagner, Walsh.

Absent and not voting:

Messrs. Duncan, Gamble, Natwick, Nickeus, Richardson, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 370. A bill for an act to provide for the funding of the outstanding indebtedness of Big Stone school township in Grant county, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Duncan, Flittie, Natwick, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 371. A bill for an act to change the name of Walter F. Jones to Walter F. Cushing,

Was read the third time.

Mr. Smedley moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

House Bill No. 336. A bill for an act to change the names, &c., of individuals,

Was read the third time.

Mr. Gamble moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

House Bill No. 277. A bill for an act amending section 15 of the Justices' Code,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Washabaugh, Walsh.

Those who voted in the negative were:

Messrs. Huetson, LaMoure, Twomey, Wagner.

Absent and not voting:

Messrs. Duncan, Flittie, Natwick, Pettigrew, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 15. A bill for an act relating to the foreclosure of chattel mortgages.

Was read the third time.

Mr. Bowdle moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Gamble, Huetson, Jones, Kennedy, McLaughlin, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Cameron, Duncan, Flittie, LaMoure, Natwick, Nickeus, Pettigrew, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 300. A bill for an act to amend section 672 of the Political Code.

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

House Bill No. 162. A bill for an act to regulate dealing in passage tickets.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes, 13; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Gamble, Jones, Kennedy, McLaughlin, Nickeus, Smedley, Wagner, Washabaugh, Wells, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Farmer, Huetson, LaMoure, Twomey.

Absent and not voting:

Messrs. Duncan, Flittie, Natwick, Pettigrew, Richardson, Mr. President.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

That the Council do now concur in
House Bills Nos. 257, 167 and 16.

Which motion prevailed.

Mr. Bowdle moved

That the Council do now adjourn.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-SEVENTH DAY.

BISMARCK, Tuesday, March 10, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present.

Mr. Jones introduced the following resolution:

WHEREAS, Council Bill No. 296 was introduced and read a first time on Monday, March 2nd instant, and printed, reported back on Thursday, the 5th inst., and on that day passed through its second and third reading, under suspension of the rules and put upon its final passage and passed; and,

WHEREAS, Said bill was not transmitted to the House of Representatives, and has been lost, therefore

Resolved, That a copy of the printed bill be substituted therefor, and numbered, filed and endorsed in all respects as the original bill, and transmitted to the House.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Counties, to whom was referred Council Bill No. 130.

Recommend its passage with substitute for section 6 attached to said bill and an additional section No. 9.

Also,

House Bill No. 351,

Recommend its passage.

Also,

House Bill No. 282,

Have had the same under consideration and have amended the same by striking out the word "Washington" wherever it occurs in said bill and inserting in lieu thereof the word "Garfield," and recommend the passage of the bill as amended.

Also,

House Bills Nos. 320 and 314,

Council Bill No. 308,

House Bill No. 183,

House Bill No. 362,

House Bill No. 299.

With the recommendation that the several bills do pass.

Also,

House Bill No. 345.

And

Substitute for

House Bill No. 176.

With recommendation that they do not pass.

B. R. WAGNER,

Chairman.

MR. PRESIDENT:

Your committee on Cities and Towns, to whom was referred

House Bill No. 367.

To amend the charter of the village of Flandreau, report the same back and recommend that it do pass.

Also,

House Bill No. 385.

Have had the same under consideration and recommend its passage.

Also,

House Bills Nos. 309, 363, 340, 393, 335 and 302.

Have had the same under consideration, and recommend that they do pass.

JUDSON LAMOURE,
Chairman.

MR. PRESIDENT:

Your committee on Appropriation report back

House Bill No. 304,

And recommend that it do not pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 245. A bill for an act concerning corporations and persons engaged in the business of banking,

Would report that they have had the same under consideration and recommend that the bill do pass.

A. C. HUETSON,
Chairman.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred

House Bill No. 373, in relation to bonds and coupons issued by the township of Elk Point,

Have had the same under consideration and beg leave to report the same back without recommendation.

Also,

House Bill No. 205,

Have had the same under advisement, and beg leave to report the same back with the recommendation that said bill be amended by striking out the word "seventeen" wherever it occurs. With this amendment we recommend that it do pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee on Highways, Roads and Bridges, to whom was referred

Council Bill No. 330.

Have had the same under consideration and beg leave to report the same back and recommend the same do pass.

W. B. CAMERON,
Chairman.

MR. PRESIDENT:

Your committee upon Territorial Affairs have had Council Bill No. 333. A bill for an act providing for the taking of the census of the Territory of Dakota.

Under advisement, and report the same back with recommendations that it do pass.

GEO. R. FARMER,
Chairman.

MR. PRESIDENT:

Your committee on Railways to whom was referred Council Bill No. 365. A bill for an act to regulate the selling and transportation of fuel on railroads in this territory.

Have had the same under consideration and beg leave to report the same back without recommendation.

A. B. SMEDLEY,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 313. A bill for an act supplementary to an act entitled an act supplementary to chapter 28 of the Political Code approved March 3, 1885.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Substitute for House Bill No. 47 A bill for an act to amend section 17 of chapter 28 of the Political Code, and for other purposes.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 247.

And have directed me to report the same back with the recommendation that it pass.

Also,

Council Bill No. 329. A bill for an act to repeal section 2 of chapter 35 of the Session Laws of 1883.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 332.

Have had the same under advisement and beg leave to report the same back with the recommendation that it do pass

Also,

Council Bill No. 318. A bill for an act to define the Sixth Judicial District of the Territory of Dakota, and to sub-divide the same, and to fix the the time therein, and for other purposes.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 261. A bill for an act to enable the voters of LaMoure county to locate the county seat.

Have had the same under consideration and beg leave to report the same back with a substitute bill as amendment and recommend that the substitute bill do pass.

Also,

Council Bill No. 327. A bill for an act to legalize certain acts of the county commissioners of Spink county, Dakota.

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

Also,

Council Bill No. 331. A bill for an act to legalize the assessment of taxes in Roberts County for the year 1883."

Have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,

Chairman.

MR. PRESIDENT:

Your committee on Education to whom was referred Council Bill No. 312.

Have had the same under consideration and beg leave to report the same back and recommend the same do pass.

Also,
Council Bill No. 326.

Have had the same under consideration and beg leave to report the same back and recommend the same do pass.

Also,
House Bill No. 375

Have had the same under consideration, and beg leave to report the same back and recommend that the bill do pass.

Also,
House Bill No. 342.

Have had the same under consideration and beg leave to report the same back and recommend that it do pass.

Also,
House Bill No. 327.

And report the same back with the recommendation that the bill do pass.

Also,
House Bill No. 287,

And beg leave to report the same back and recommend that the bill do pass.

Also,
House Bill No. 337,

Have had the same under consideration and beg leave to report the same back with the recommendation that the same do pass.

Also,
House Bill No. 369. A bill for an act establishing Independent School District of Walcott, in Richland county,

Beg leave to report the same back with the recommendation that the bill do pass.

Also,
Council Bill No. 334,

And report the same back with the recommendation that the bill do pass.

Also,
House Bill No. 284,

And report the same back with the recommendation that the bill do pass.

Also,

A memorial to Congress concerning the better education of the Indians in this Territory.

Have had the same under advisement, and report herewith a substitute for the same with the recommendation that the same do pass.

Also,

House Bill No. 388,

Have had the same under consideration and beg leave to report the same back and recommend that it do pass.

Also,

House Bill No. 174,

And report the same back with the recommendation that the bill do pass.

Also,

House Bill No. 288,

And report the same back with the recommendation that the bill do pass.

S. PITTS WELLS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Kennedy moved
That the vote by which
House Bill No. 194
Was indefinitely postponed be reconsidered.
Which motion prevailed.

Mr. Pettigrew offered the following resolution and moved its adoption:

Resolved, That after the session of the Council on Tuesday, March 10th, no bill except an apportionment bill shall be introduced by any member except by unanimous consent.

Which motion prevailed.

Mr. Huetsen submitted the following majority report from Committee of Conference in reference to

House Bill No. 71:

MR. PRESIDENT:

Your special committee to whom was referred House Bill No. 71. A bill for an act granting women the right of suffrage,

Have had the same under consideration and recommend that the Council recede from their amendment to the same.

JOHNSON NICKEUS,

A. C. HUETSON,

J. M. BAYARD,

V. V. BARNES,

J. A. PICKLER.

Mr. Kennedy moved

The adoption of the majority report.

Reading of the minority report called for.

Mr. Jones introduced the following minority report:

MR. PRESIDENT:

As a minority of your Committee on Conference, to whom was referred the matter of difference between the Council and the House of Representatives upon House Bill No. 71, being the woman's suffrage bill, I beg leave to differ with the majority thereof and submit the following report, to-wit:

1. The question of woman's suffrage is one of the greatest political questions that has agitated the minds of men for many generations. The proposition suggests a radical change in the foundation principles of government, not only as found in our republic but in all enlightened nations of the earth.

2. Such a radical change in the foundation principles should be made only when the demand for it springs from the true source of government, which with us is the people, and it would be an act of violence for the people's servants to make such change of their own motion, and without being directly authorized so to do.

3. This question was not an issue in the late election campaign, and no member of this honorable body can truthfully claim that he is authorized to legislate upon the subject. It is also true that the people of this Territory have never expressed themselves in favor of the proposition either at the polls or elsewhere.

4. After more than a hundred years of experience in America, the ballot box is proven beyond dispute to be the best and safest resort in settling questions of such great

political importance as the one under consideration, and to deny this right to the people is an assumption of power and authority on the part of the present session of the Legislature which will likely meet with the condemnation of all good citizens.

I therefore recommend that the Council do not recede from its amendments to the bill; but that the question be submitted to the people of the whole Territory, to be decided by them at the ballot box.

All of which is most respectfully submitted.

A. SHERIDAN JONES,

Chairman of Committee.

Six members demanded a call of the House.

The roll being called Messrs. Flittie, LaMoure, McLaughlin, Nickeus, Richardson, Twomey and Walsh were absent.

The President directed the Clerk to furnish the Sergeant-at-Arms with a list of the absentees and the President directed the Sergeant-at-Arms to proceed to bring the absentees before the bar of the Council.

The Sergeant-at-Arms reported all members present.

Mr. Flittie moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The President announced that the question before the Council was upon the adoption of the majority report of the committee of Conference on

House Bill No. 71.

Ayes and nays called for.

The roll being called upon the adoption of the majority report there were, ayes 14; nays 10.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Huetson, Kennedy, LaMoure, Natwick, Nickeus, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Cameron, Farmer, Flittie, Gamble, Jones, McLaughlin, Pettigrew, Richardson, Washabaugh.

So the motion to adopt the majority report prevailed.

The roll being called upon the final passage of the bill, there were, ayes 14; nays 10.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Huetsen, Kennedy, La-Moure, Natwick, Nickeus, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Cameron, Farmer, Flittie, Gamble, Jones, McLaughlin, Pettigrew, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved

That the Council now reconsider the vote by which
House Bill No. 20

Passed yesterday.

Which motion prevailed.

Mr. Gamble moved

That the Council do now concur in House amendments
to

Council Bills Nos. 302 and 199.

Which motion prevailed.

Mr. Flittie moved

That the Council do now concur in House amendment to
Council Bill No. 152.

Which motion prevailed.

Mr. Pettigrew moved that

Council Bill No. 74

With House amendment be referred to the committee
on Appropriations.

Mr. Bowdle moved

To amend by concurring in House amendment to the
same.

The amendment was lost.

The question now being upon the original motion, refer-
ring it to the committee on Appropriations.

The motion prevailed.

Mr. Kennedy offered

A substitute bill, by way of amendment, for
Council Bill No. 194.

And moved its adoption.

Mr. Pettigrew moved

To amend section 1 of the substitute bill by striking out
the names of the persons designated to divide said county,
and insert the present board of county commissioners of
Brown county.

Which amendment was adopted.

The question being upon the original substitute as amended.

It was adopted.

MESSAGES FROM THE HOUSE.

BISMARCK, March 10, 1885.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 269. A bill for an act legalizing the acts of the commissioners of Dicky county in building a court house.

Also,

House Bill No. 289. A bill for an act to establish the independent school district of Bridgewater and to provide for the organization and government of the same.

Also,

House Bill No. 310. A bill for a joint resolution to provide for the payment of the printing and binding of the Council and House Journals of the sixteenth session of the Legislative assembly.

Also,

House Bill No. 323. A bill for an act to establish independent school district No. 2, Oak Hollow, of Hutchinson county, Dakota Territory, and for other purposes.

Also,

House Bill No. 329. A bill for an act to establish independent school district of Harrison, in Douglas county, Dakota Territory.

Also,

House Bill No. 332. A bill for an act to provide for the formation of school districts and for other purposes.

Also,

House Bill No. 380. A bill for an act authorizing Union school township of Edmunds county to issue bonds for the purpose of paying off its outstanding indebtedness.

Also,

House Bill No. 381. A bill for an act authorizing the county of Stark to issue bonds and erect a court house and jail in said county.

Also,

House Bill No. 382. A bill for an act to establish school district No. 20, Hanson county.

Also,

House Bill No. 383. A bill for an act authorizing the county of Mercer to issue bonds for the construction of a court house for building bridges and for school purposes.

Also,

House Bill No. 385. A bill for an act to legalize the organization of New Salem civil township, Morton county, Dakota Territory.

Also,

House Bill No. 391. A bill for an act entitled an act to amend an act entitled an act authorizing the county commissioners of Day and Hyde counties to fund the outstanding indebtedness thereof.

Also,

Substitute for

House Bill No. 394. A bill for an act appropriating funds for certain purposes.

All of which the House have passed and a concurrence therein is respectfully requested.

Also,

Council Bill No. 74. A bill for an act to locate and establish an asylum and school for the blind at the village of Ipswich in Grant county, Dakota Territory, with amendments attached to the bill.

Also,

Substitute for

Council Bill No. 83. A bill for an act to amend section 15, chapter 21, revised Code which the House has indefinitely postponed.

Also,

Council Bill No. 108. A bill for an act to amend section 3 of the Political Code which the House has amended and amendments attached to the bill.

Also,

Substitute for

Council Bill No. 142. A bill for an act to amend section 1 chapter 44, Special Laws of 1883, which passed the House without amendments.

Also,

Council Bill No. 152. A bill for an act to promote the planting of forest trees upon the prairies of the Territory of Dakota, which the House has passed with amendments. Amendments attached to the bill.

Also,

Council Bill No. 179. A bill for an act to amend section 4 of chapter 3 of the Political Code as amended by chapter 37 of the laws of 1879 without amendments.

Also,

Council Bill No. 238. A bill for an act to amend section 236 of the Code of Civil Procedure without amendments.

Also,

Council Bill No. 199. A bill for an act to incorporate the village of Howard, Miner county, and to repeal former acts of incorporation of said town was passed with amendments as attached. •

Also,

Council Bill No. 239. A bill for an act to amend section 6 of chapter 19 of the Political Code without amendments.

Also,

Substitute for

Council Bill No. 251. A bill for an act supplemental to an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness, passed without amendment.

Also,

Council Bill No. 253. A bill for an act authorizing and directing the county commissioners of Lawrence county to settle with and release the sureties upon the official bond of Robert Neill, formerly treasurer of said county upon certain conditions, without amendments.

Also,

Council Bill No. 290. A bill for an act establishing the independent school district of Woonsocket, Sanborn county, Dakota Territory, without amendment.

Also,

I am requested to announce to your honorable body that the House of Representatives has passed the following Council bills, to-wit:

Council Bill No. 171, with an amendment; 23, with amendment; 280, 168, 266, 167, with amendments; 89, substitute for 91; 283, 120, 16, with an amendment; 260, 257, with amendments; 302, with amendments; 245.

All of which are herewith returned and a concurrence to the amendments made is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

INTRODUCTION OF BILLS.

Mr. Pettigrew introduced—

Council Bill No. 333. A bill for an act to provide for the taking of the census of the Territory of Dakota.

Which was read the first time.

Mr. Pettigrew moved

To suspend the rules, and that

Council Bill No. 333,

Be read the second time and referred.

Which motion prevailed.

Council Bill No. 333

Read the second time and referred to the committee on Territorial Affairs.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Twomey moved

That the Council do now concur in

House amendment to

Council Bill No. 108.

Which motion prevailed.

The President announced the following appointments as assistant enrolling and engrossing clerks, viz: H. Mathison, Carl Birck, N. L. Ross, E. L. Noyes.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 314,

Read the second time, and referred to the committee on Judiciary.

Council Bill No. 321.

Read the second time, and referred to the committee on Counties.

Council Bill No. 319,

Read the second time, and referred to the committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 313. A bill for an act supplementary

to an act entitled an act supplementary to chapter 28 of the Political Code, approved March 3, 1855.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Huetson, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Gamble, Jones, LaMoure, Nickeus, Richardson, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 331. A bill for an act to legalize the assessment of taxes in Roberts county for the year 1883.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, Flittie, Gamble, LaMoure, Nickeus, Wagner.

So the bill passed, and its title was agreed to.

Council Bill No. 232. A bill for an act to repeal sections 58 and 59, and to amend section 60 of chapter 21 of the Political Code, and to substitute other laws under the same section numbers as those repealed.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 15; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Huetson, Kennedy, LaMoure, McLaughlin, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Jones, Natwick, Pettigrew.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, Gamble, Nickeus, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 308. A bill for an act to authorize the county commissioners of Benson county to issue bonds to fund their outstanding indebtedness, and for other purposes.

Was read the third time.

Mr. Walsh moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 15; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Huetson, Jones, Kennedy, LaMoure, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh. Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Farmer, McLaughlin.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, Natwick, Nickeus, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 318. A bill for an act to define the 6th Judicial District of the Territory of Dakota, and to sub-divide and to fix the terms therein, and for other purposes.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh. Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, Gamble, Nick-eus, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 327. A bill for an act to legalize certain acts of the county commissioners of Spink county.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 16; nays 2.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Jones, Kennedy, LaMoire, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, Nickeus, Richardson, Wagner.

So the bill passed, and its title was agreed to.

Mr. Bowdle moved

To suspend the rules and that

Council Bill No. 337

Be considered as read the first, second and third times and put upon its final passage.

Which motion prevailed.

Council Bill No. 337. Memorial to Congress in regard to educating Indian youths within the Territory.

Was read the first, second and third times.

Mr. Twomey moved

To suspend the rules,

And that the further reading of the memorial be dispensed with.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoire, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Mr. McLaughlin voting in the negative.

Absent and not voting:

Messrs. Austin, Flittie, Gamble, Richardson, Wagner.

So the memorial passed and its title was agreed to.

Council Bill No. 312. A bill for an act entitled an act establishing independent school district No. 2 of Grand Forks county.

Read the third time and put upon its final passage.

The roll being called there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Flittie, Gamble, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 326. A bill for an act entitled an act to establish independent school district No. 2 in Bon Homme county, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Flittie, Gamble, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 328. A bill for an act providing for road grading.

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Twomey moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Council Bill No. 330. A bill for an act in relation to the United States Government bridge across Choteau creek and the Government road in the counties of Charles Mix and Bon Homme.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Huetson, Jones, Kennedy, LaMoure, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Flittie, Gamble, McLaughlin, Nickeus, Wagner, Washabaugh.

So the bill passed and its title was agreed to.

The President announced that the Council would take a recess until 2 o'clock p. m. if there was not objection.

There being no objection the President so ordered.

The Council convened at 2 o'clock p. m.

Mr. Richardson offered the following resolution:

WHEREAS, The printer of the daily Journal of the proceedings of the Council has, because of the recent fire, been unable to furnish said Journals since the 5th inst.; therefore, be it

Resolved, That a reasonable length of time be given the printer to furnish said Journals, and that the Chief Clerk of the Council be, and is hereby instructed to forward to each member copies of the Journals remaining unprinted at the close of this session, and also copies of the bound edition as soon as they are ready for delivery.

Mr. Richardson moved

That the resolution be adopted.

Which motion prevailed.

Mr. Bowdle moved

That the rules be suspended, and that

Council Bill No. 333

Be taken up and put upon its third reading and final passage.

Which motion prevailed.

Council Bill No. 333. A bill for an act to provide for the taking of the census of the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetsen, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, McLaughlin.

So the bill passed and its title was agreed to.

Council Bill No. 329. A bill for an act to repeal section 2 of chapter 35 of the Session Laws of 1883.

Was read the third time and put upon its final passage:
The roll being called, there were ayes, 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, McLaughlin.

So the bill passed and its title was agreed to.

Council Bill No. 332. A bill for an act to repeal section 3 of class 11, Laws, of 1883, and to revive section 378 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, McLaughlin, Richardson.

So the bill passed and its title was agreed to.

Mr. Austin moved

To suspend the rules and that

Substitute for

House Bill No. 261

Be taken up and given its third reading and put upon its
its final passage.

Which motion prevailed.

Substitute for

House Bill No. 261. A bill for an act to enable the voters of LaMoure county to vote upon the location of county seat.

Was read the third time.

Mr. Austin moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, Natwick, Nick-eus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. LaMoure, McLaughlin, Richardson.

So the bill passed and its title was agreed to.

Mr. Richardson, from the committee on Enrollment submitted the following report at this time.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred Council Bills Nos. 296 and 298,

Beg leave to report the same back as correctly engrossed.

Also,

Beg leave to report substitute for Council Bills Nos. 14, 58, 67 and 69, and Council Bill No. 222

As correctly engrossed.

Also,

Council Bill No. 251.

Beg leave to report the same back as correctly enrolled.

Also,

Council Bill No. 39.

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

FIRST READING OF HOUSE BILLS.

Mr. Smedley moved

That all House bills be considered as read the first time.

House Bills Nos. 394, 391, 385, 383, 382, 381, 380, 332, 323, 329 and 289,

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 394

Read the second time and referred to the committee Appropriations.

House Bill No. 391

Read the second time and referred to the committee on Counties.

House Bill No. 385

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 383

Read the second time and referred to the committee on Counties.

House Bill No. 382

Read the second time and referred to the committee on Education

House Bill No. 381

Read the second time and referred to the committee on Counties.

House Bill No. 380

Read the second time and referred to the committee on Counties.

House Bill No. 332

Read the second time and referred to the committee on Education.

House Bill No. 323

Read the second time and referred to the committee on Education.

House Bill No. 329

Read the second time and referred to the committee on Education.

House Bill No. 289

Read the second time and referred to the committee on Education.

Mr. Flittie moved

To suspend the rules, and that
Council Bill No. 130

Be taken up, given its third reading and put upon its final passage.

Which motion prevailed.

Council Bill No. 130. A bill for an act dividing the county of Traill into county commissioner districts,

Was read the third time.

Mr. Flittie moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Kennedy, McLaughlin, Natwick, Nickeus, Richardson.

So the bill passed and its title was agreed to.

Mr. Wells asked for unanimous consent to introduce a bill at this time and have it read the first and second times and referred.

There being no objection, the President so ordered.

Mr. Wells introduced—

Council Bill No. 334. A bill for an act to amend chapter 45 of the Laws of 1883, empowering school townships to issue their bonds for building and furnishing school houses,

Which was read the first time.

Council Bill No. 334

Read the second time and referred to the committee on Education.

THIRD READING OF HOUSE BILLS.

House Bill No. 378. A bill for an act in regard to the selling and smoking of opium.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, McLaughlin, Natwick, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 304. A bill for an act making appropriation to pay Fred H. Lounsberry and Frank Armstrong and Henry Murphy for services as pages of the House.

Was read the third time.

Mr. Washabaugh moved

To amend the report of the committee by inserting that the bill do pass.

Which motion prevailed.

The roll being called, there were, ayes 14; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Huetsen, Jones, Kennedy, Nickeus, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Farmer and Pettigrew.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, McLaughlin, Natwick, Richardson, Twomey, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 309. A bill for an act entitled an act incorporating the village of Woonsocket, Dakota.

Was read the third time.

Mr. Smedley moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 16; nay 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Huetsen, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Washabaugh, Wells, Mr. President.

Mr. Twomey voting in the negative.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, LaMoure, McLaughlin, Natwick, Wagner, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 340. A bill for an act to incorporate the city of Frankfort, Dakota.

Was read the third time.

Mr. Day moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Flittie, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Farmer, Gamble, LaMoure, McLaughlin, Natwick, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 310. A bill for a Joint Resolution to provide for the payment of the printing and binding of the Council and House Journals of the Sixteenth Legislative Assembly.

Read the third time.

Mr. Pettigrew moved

That it be referred to the committee on Printing with instructions to audit the amount.

Which motion prevailed.

House Bill No. 47. A bill for an act to amend section 17, of chapter 28, of the Political Code, and for other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Day, Gamble, LaMoure, McLaughlin, Natwick, Walsh.

So the bill passed, and its title was agreed to.

House Bill No. 362. A bill for an act to amend Council Bill No. 79 of the Special Laws passed by the Legislative Assembly of 1883, approved February 21, 1883.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 10; nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Flittie, Kennedy, Nickeus, Smedley, Twomey, Wagner, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Duncan, Farmer, Huetsen, Jones, Pettigrew, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Gamble, LaMoure, McLaughlin, Natwick, Richardson, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 183. A bill for an act authorizing the board of county commissioners of McPherson county to fund the outstanding indebtedness thereof.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 14; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, Nickeus, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Gamble, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Wagner, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 314. A bill for an act to authorize the board of county commissioners of Walsh county, Dakota Territory to bond the outstanding indebtedness and for other purposes.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 10; nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh.

Those who voted in the negative were:

Messrs. Duncan, Huetsen, Natwick, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Gamble, Jones, LaMoure, McLaughlin, Wagner, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 320. A bill for an act entitled an act authorizing and empowering the county commissioners of Cavalier county to fund the outstanding indebtedness of said county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Huetson, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, Flittie, Gamble, Jones, LaMoure, McLaughlin, Richardson, Wagner, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 375. A bill for an act to authorize Andover school township No. 9 in Day county to issue bonds to build school houses.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Washabaugh, Mr. President.

Mr. Duncan, voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Gamble, LaMoure, McLaughlin, Richardson, Wagner, Wells, Walsh.

So the bill passed and its title was agreed to.

Mr. Nickeus asked for unanimous consent to introduce bills at this time and have them read the first and second times and referred.

There being no objection, the President so ordered.

Mr. Nickeus introduced—

Council Bill No. 335. A bill for an act to provide for the incorporation and regulation of Building and Loan Associations,

Which was read the first time.

Council Bill No. 335

Read the second time and referred to the committee on Judiciary.

Mr. Nickeus introduced—

Council Bill No. 336. A bill for an act to amend chapter 27 of the Laws of 1879, relating to judicial sub-division,

Which was read the first time.

Council Bill No. 336

Read the second time and referred to the committee on Judiciary.

House Bill No. 245. A bill for an act concerning corporations and persons engaged in the business of banking,

Was read the third time and put upon its final passage.

Mr. Austin moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 19; nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Wagner, Wells, Walsh.

Those who voted in the negative were:

Messrs. Austin, Nickeus, Twomey, Washabaugh, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 342. A bill for an act to legalize school township election held in School Township No. 2, Turner county,

Was read the third time and put upon its final passage.

The roll being called, there were ayes 14; nays 10.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Farmer, Gamble, Huetsen, Jones, Natwick, Pettigrew, Washabaugh, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 388. A bill for an act to authorize Montrose and Grant school township to issue bonds to fund its outstanding indebtedness.

Was read the third time and put upon its final passage.

Mr. Pettigrew moved

To amend by inserting the word "eight" after the word "ninety," in section 1.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, McLaughlin, Natwick.

So the bill passed and its title was agreed to.

House Bill No. 373. A bill for an act to amend section 1 and to repeal section 6 of an act entitled an act in relation to the bonds and coupons issued by the township of Elk Point, Union county, Dakota, approved February 16, 1885,

Was read the third time.

Mr. Huetson moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

Mr. Pettigrew moved

To suspend the rules, and that

Council Bill No. 225

Be taken from the table and recommitted to the committee on Education.

Which motion prevailed.

House Bill No. 288. A bill for an act establishing Independent School District No. 1, of Turner county, Dakota, approved March 6, 1883,

Was read the third time and put upon its final passage.

The roll being called there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Flittie, Huetson, Jones, Natwick, Nickeus, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Duncan, Gamble, Kennedy, LaMoure, McLaughlin, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 174. A bill for an act establishing Independent School District No. 1 in Traill county, D. T.,

Was read the third time.

Mr. Wells moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Natwick, Nickeus, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Gamble, LaMoure, McLaughlin, Pettigrew, Richardson, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 205. A bill for an act to repeal sections 17, 18, 19, 20 and 21 in relation to road tax and road supervisors of an act entitled an act to authorize and empower the county of Union.

Was read the third time.

Mr. Duncan moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called, there were, ayes, 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Gamble, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 327. A bill for an act to provide for the outstanding indebtedness of Marion county, Dakota.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie,

Huetson, Jones, Kennedy, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Gamble, LaMoure, McLaughlin, Nick-
eus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No 287. A bill for an act to establish an independent school district in Turner county.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Huetson, Jones, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

Mr. Twomey asked for unanimous consent to introduce a bill and have it read the first and second time and referred.

There being no objection the President so ordered.

Mr. Twomey introduced—

Council Bill No. 337. A bill for an act to amend the charter of the city of Ashton.

Which was read the first time.

Council Bill No. 337.

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 369. A bill for an act establishing independent school district of Walcott, Richland county, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Natwick, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 302. A bill for an act to change the boundaries of Crystal and Park townships, in the county of Pembina,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Farmer, Huetson, Jones, Kennedy, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Day, Flittie, Gamble, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 335. A bill for an act to amend the charter of the city of Lisbon, and for other purposes,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Huetson, Jones, Pettigrew, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Flittie, Gamble, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Wells.

So the bill passed and its title was agreed to.

House Bill No. 393. A bill for an act to amend an act entitled an act to incorporate the village of Valley Springs,

Was read the third time and put upon its final passage.

The roll being called there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Jones, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Gamble, Kennedy, LaMoure, McLaughlin, Natwick, Wells.

So the bill passed and its title was agreed to.

House Bill No. 105. A bill for an act to establish a fence

law in Fall River, Custer, Lawrence, Butte and other counties and for other purposes.

Was read the third time.

Mr. Nickeus moved

To amend section 1 by striking out the following after the word "Billings": "Villard and Dunn, lying west of range 99."

Which amendment was adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Flittie, Huetson, Jones, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Gamble, Kennedy, LaMoure, McLaughlin.

So the bill passed and its title was agreed to.

House Bill No. 351. A bill for an act defining the boundaries of Oliver and Mercer counties and for other purposes.

Was read the third time.

Mr. Twomey moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes, 16; nays 4.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Jones, Kennedy, Natwick, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh. Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Farmer, Huetson, Pettigrew.

Absent and not voting:

Messrs. Austin, Gamble, LaMoure, McLaughlin.

So the bill passed and its title was agreed to.

House Bill No. 176. A bill for an act authorizing the county commissioners of Roberts county to fund the outstanding indebtedness thereof.

Was read the third time.

Mr. Smedley moved

To amend by limiting the amount not to exceed \$12,000 of bonds issued.

Mr. Nickeus moved

To amend the amendment by inserting the following: "And that said warrants shall be funded and paid in the order of their issue."

Ayes and nays called for on the amendment to the amendment.

The roll being called, there were, ayes 11; nays 11.

Those who voted in the affirmative were:

Messrs. Bowdle, Huetsen, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Wagner, Wells, Walsh.

Those who voted in the negative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Jones, Natwick, Pettigrew, Smedley, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Flittie and Gamble.

So the amendment to the amendment was lost.

The question being upon the original amendment

It was adopted.

The roll being called upon the final passage of the bill, as amended, there were, ayes 12; nays 10.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Huetsen, Jones, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Bowdle, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Twomey, Wagner, Walsh.

Absent and not voting:

Messrs. Gamble and Flittie.

So the bill passed and its title was agreed to.

House Bill No. 355. A bill for an act to legalize the organization of New Salem civil township, Morton county, Dakota.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Huetsen,

Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs, Duncan, Flittie, Gamble, McLaughlin, Wells.

So the bill passed and its title was agreed to.

House Bill No. 282. A bill for an act to create the county of Washington and define its boundaries.

Was read the third time.

Mr. Jones moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there, were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Duncan, Gamble, Natwick, Smedley.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 284. A bill for an act to fund the indebtedness of Fort Ransom school township, of Ransom county, Dakota,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble, Natwick, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 299. A bill for an act creating the county of St. Pierre, and for other purposes,

Was read the third time.

Mr. Twomey moved

To suspend the rules, and
That the further reading of the bill be dispensed with.
Which motion prevailed.

Mr. McLaughlin moved
To amend by striking out "St. Pierre" and inserting in
lieu thereof "Blaine."

Which motion prevailed.

The roll being called upon the final passage of the bill
as amended there were, ayes, 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie,
Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick,
Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wag-
ner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble.

So the bill passed and its title was agreed to.

House Bill No. 20. A bill for an act appropriating funds
for the construction of a Normal school building at Spring-
field, Bon Homme county, Dakota Territory, and for other
purposes.

Was read the third time.

Mr. Pettigrew moved

To indefinitely postpone the further consideration of this
bill.

Ayes and nays called for.

The roll being called, there were, ayes 11; nays 11.

Those who voted in the affirmative were:

Messrs. Austin, Farmer, Huetson, Jones, McLaughlin,
Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr.
President.

Those who voted in the negative were:

Messrs. Bowdle, Cameron, Day, Flittie, Kennedy, La-
Moure, Nickeus, Richardson, Twomey, Wagner, Walsh.

Absent and not voting:

Messrs. Duncan and Gamble.

So the motion was lost.

The roll being called, upon the final passage of the bill,
there were, ayes 10; nays 12.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Flittie, Kennedy, La-Moure, Nickeus, Richardson, Twomey, Wagner.

Those who voted in the negative were:

Messrs. Austin, Farmer, Huetson, Jones, McLaughlin, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble.

So the bill was lost.

House Bill No. 376. A bill for an act to amend the charter of the city of Steele, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 16; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Huetson, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Austin, Duncan, Washabaugh.

Absent and not voting:

Messrs. Cameron, Gamble, Jones, Richardson, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 247. A bill for an act to amend section 78, chapter 28, of the Political Code.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Duncan, Farmer, Flittie, Huetson, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Day, Gamble, Kennedy, LaMoure, Richardson.

So the bill passed and its title was agreed to.

Mr. Pettigrew, moved

To reconsider the vote by which

House Bill No. 388

Was passed.

Which motion prevailed.

Mr. Pettigrew moved

That the Council amendments be stricken from the bill.

Which motion prevailed.

House Bill No. 388

Was then put upon its third reading and final passage.

The roll being called there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Gamble, Kennedy, LaMoure, Richardson, Smedley, Wagner.

So the bill passed and its title was agreed to.

House Bill No. 363. A bill for an act to incorporate the city of Salem, of the county of McCook county, Territory of Dakota.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Huetsen, Jones, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Duncan, Gamble, Kennedy, LaMoure, Richardson, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 367. A bill for an act to incorporate the city of Flandreau.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Gamble, LaMoure, Mr. President.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 345. A bill for an act to amend sections 58 and 59 of chapter 21 of the Political Code.

Was read the third time.

Mr. Twomey moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

House Bill No. 337. A bill for an act to establish independent school district of Flandreau, Moody county, Dakota Territory.

Was read the third time.

Mr. Twomey moved

To suspend the rules and that the further reading of the bill be dispensed with,

Which motion prevailed.

The roll being called there were, ayes 22; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Gamble and LaMoure.

So the bill passed and its title was agreed to.

Mr. Walsh moved

To suspend the rules

And that the Council now proceed with the third reading of Council Bills.

Which motion prevailed.

Council Bill No. 334. A bill for an act to amend chapter 45 of the Laws of 1883, empowering school townships to issue their bonds for building and furnishing school houses.

Was read the third time.

Mr. Walsh moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Flittie, Gamble, LaMoure, Twomey, Mr. President.

So the bill passed and its title was agreed to.

Mr. Kennedy moved that

House Bill No. 194

Be indefinitely postponed.

Which motion prevailed.

House Bill No. 309. A bill for an act establishing Independent School District of Springfield, Bon Homme county,

Was read the third time.

Mr. Bowdle moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Flittie, Gamble, LaMoure, Richardson, Twomey.

So the bill passed, and its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 365. A bill for an act to regulate receiving and the transportation of fuel on railroads in this territory.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Natwick,

Nickeus, Pettigrew, Richardson, Smedley, Wagner, Wash-
abaugh, Wells, Walsh.

Absent and not voting:

Messrs. Gamble, LaMoure, Twomey, Mr. President.

So the bill passed and its title was agreed to.

Mr. Bowdle asked for unanimous consent to introduce a
bill at this time.

There being no objection the President so ordered.

Mr. Bowdle introduced—

Council Bill No. 295. A bill for an act to regulate the
times of holding court in the 2d Judicial District.

Mr. Walsh moved

That the Council do now adjourn until 2 o'clock p. m.
tomorrow.

Which motion prevailed.

A. W. HOWARD,
Chief Clerk.

FIFTY-EIGHTH DAY.

BISMARCK, Wednesday, March 11, 1885.

The Council met pursuant to adjournment and was called
to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present.

The Journal of the previous day read, corrected and ap-
proved.

MESSAGES FROM THE HOUSE.

BISMARCK, March 11, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that
the House of Representatives has passed the following
bills, to-wit:

House Bills Nos. 344, 403, 405, 408, 402, 389, 411, 328, 404
409, 415, 306, 313, 168, 164, 333, 331, 407, 359, 399, 384, 397,
356 and 386.

All of which are herewith transmitted and a concurrence in the same is respectfully requested.

Also,

I am requested to announce to your honorable body that the House of Representatives has had under consideration

Council Bill No. 188. A bill for an act to enable cities and municipal corporations to purchase and construct water works, and for other purposes,

Was indefinitely postponed.

Also,

Council Bill No. 305. A bill for an act to amend chapter 1 of the Special Laws of 1883, relating to county auditors in Brown and other counties, was passed without amendments.

Also,

Council Bill No. 317. A joint resolution providing for extra engrossing clerks and payment for their services, was passed without amendments.

All of which are herewith returned.

Also,

I have the honor to inform the Council that the House has this day passed

House Bill No. 395. A bill for an act to amend an act entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in the Territory,

And your concurrence therein is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Twomey moved

To suspend the rules and that
House Bill No. 395

Be taken up and given its first and second readings and reference.

Which motion prevailed.

House Bill No. 395. A bill for an act to amend an act entitled an act to provide for the establishment of a board of railroad commissioners defining their duties and to regu-

late the receiving and transportation of freight on railroads in the territory approved March 6. A. D., 1885.

Was read the first time.

House Bill No. 395

Read the second time and referred to the committee on Railroads.

SPECIAL ORDERS.

The President announced that the hour had arrived for the special order of the day at 3 o'clock p. m., for the consideration of

House Bill No. 128. A bill for an act locating the county seat of Brule county.

The bill was then read the third time.

Mr. Bowdle moved

To amend by striking out the words, "the highest number of" and insert in lieu thereof "a majority."

Six members demanded a call of the House.

The President directed the Clerk to furnish the Sergeant-at-Arms with a list of the absentees.

Mr. Pettigrew moved

That further proceedings under the call be dispensed with.

Ayes and nays called for.

The roll being called there were, ayes, 13; nays 8.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Flittie, Kennedy, Nickeus, Richardson, Twomey, Wagner, Walsh.

Absent and not voting:

Messrs. Austin, LaMoure, McLaughlin.

So the motion prevailed and the call was dispensed with.

Mr. Jones moved

The previous question.

Which motion prevailed.

The President stated the question now was upon the adoption of the amendment.

Ayes and nays called for.

The roll being called, there were, ayes 11; nays 12.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Flittie, Kennedy, LaMoure, Nickeus, Richardson, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Absent and not voting:

Mr. McLaughlin.

So the amendment was lost.

The roll being called upon the final passage of the bill, there were, ayes 10; nays 13.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Flittie, Kennedy, LaMoure, Nickeus, Richardson, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Austin, Day, Duncan, Farmer, Gamble, Huetson, Jones, Natwick, Pettigrew, Smedley, Washabaugh, Wells, Mr. President.

Absent and not voting:

Mr. McLaughlin.

So the bill was lost.

Mr. Gamble moved

To reconsider the vote by which the previous bill was lost and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Duncan offered the following resolution and moved its adoption:

WHEREAS, by the recent fire which destroyed the printing establishment of M. H. Jewell who had in charge the printing of and binding of the Journal of the Council, and

WHEREAS, in said fire a large amount of printing belonging to the territory was destroyed, to wit: Two hundred (200) copies of the proceedings of the first fifty-three days of the session, being reserved until the end of the session to be bound, therefore, be it

Resolved, That the chief clerk and the secretary of the territory be and are hereby instructed to audit a bill sufficient in amount to pay the actual cost of reprinting said destroyed Journals.

Which resolution was adopted.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 11, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bill No. 278.

Substitute for

House Bills Nos. 99, 219, 39, 277,

Substitute for

Council Bills Nos. 102, 234, 75 and 155.

GILBERT A. PIERCE,
Governor.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Engrossing and Enrolling to whom was referred

Council Bills Nos. 66, 89, 254, 133, 168, 235, 202, 185, 144, 248, 174, 23, 265, 139, 171, 230, 108, 16, 217, 152, 300, 142, 167, 264, 165, 162, 260, 244, 229, 253, 288, 280, 290, 218, 283, 238, 239, 91, 111, 140, 120, 245, 266, and 204.

Beg leave to report that the same are correctly enrolled.

Also,

Council Bills Nos. 302, 156, 228, 45 and 257,

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 128. A bill for an act locating the county seat of Brule county,

Have had the same under consideration, and report the bill back with the recommendation that it do pass.

R. B. WAGNER,
Chairman.

JOHNSON NICKEUS,
V. P. KENNEDY,
JOHN FLITTIE.

MR. PRESIDENT:

The minority of your committee on Counties, to whom was referred

Council Bill No. 128,

Have had the same under consideration, and report that the county seat of said county of Brule is now located at Chamberlain.

That Chamberlain is on the Missouri river, and at the terminous of the only railroad in said county.

That the present county seat is the largest town in the county, and that there is no reason why the general law in relation to the location of county seats should be changed in this case.

It is true that Chamberlain is on one side of the county, but this is the case with all counties bordering on the Missouri river in this Territory.

There are eighteen counties where the county seat is on one side of the county, and if this bill should pass it should be so amended as to become a general law.

R. L. PETTIGREW,

A. SHERIDAN JONES.

MR. PRESIDENT:

Your committee on Cities and Towns have considered Council Bill No. 339

And recommend its passage.

JUDSON LAMOURE,

Chairman.

MR. PRESIDENT:

Your committee on Railroads, to whom was referred House Bill No. 395,

Have had the same under consideration and recommend that it do pass.

A. B. SMEDLEY,

Chairman.

MR. PRESIDENT:

Your Educational committee have considered House Bill No. 329,

And recommend that the bill do pass.

Also,

House Bill No. 380,

As amended by the House, and recommend that the bill do pass as amended.

Also,

House Bill No. 382,

And report the same back with the recommendation that the bill do pass.

S. PITTS WELLS,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 255,

Have had the same under consideration and return the same without recommendation.

J. P. DAY,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 381,
And substitute for
Council Bill No. 320

Have had the same under consideration and beg leave to report the several bills back with the recommendation that they do pass.

Also,
House Bill No. 383,

Have had the same under consideration and direct me to return the same to the Council with the recommendation that it do pass.

Also,
Council Bill No. 321,

Return the same to the Council with the recommendation that it do pass.

Also,
Council Bill No. 381,

With the same recommendation as above that it do pass.

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriation report back
House Bill No. 279,
And recommend its passage.

Also,
House Bill No. 394,

Report back the same and recommend its passage.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

House Bill No. 269. A bill legalizing the acts of the commissioners of Dickey county in building a court house.

Have had the same under advisement, and beg leave to report the same back with the recommendation that it do pass.

Also,

House Bill No. 347. A bill for an act amending chapter 10 of the Political Code.

Beg leave to report that they have had the same under consideration and recommend that it pass.

J. R. GAMBLE,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 338.

Was read the first time.

Mr. Nickeus asked for unanimous consent to introduce a bill at this time and have it read the first and second time and referred.

There being no objection the President so ordered.

Mr. Nickeus introduced—

Council Bill No. 339. A bill for an act appropriating funds for the payment of the postmaster of the Council.

Which was read the first time.

Council Bill No. 339

Read the second time and referred to the committee Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 321. A bill for an act granting authority to the board of county commissioners of Eddy county to issue bonds to meet the current expenses of said county and to furnish it county officers as required by law.

Read the third time and put upon its final passage.

The roll being called there were, ayes, 16; nays none.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Duncan, Farmer, Kennedy, Pettigrew, Richardson, Wagner.

So the bill passed and its title was agreed to.

Council Bill No. 320. A bill for an act to create and define the boundaries of the county of Stanton and for other purposes.

Was read the third time and put upon its final passage.

Mr. Richardson moved

To amend by the adoption of the substitute bill.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes 15; nays, 2.

Those who voted in the affirmative were:

Messrs. Austin, Day, Flittie, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Mr. Nickeus voting in the negative.

Absent and not voting:

Messrs. Bowdle, Cameron, Duncan, Farmer, Gamble, Natwick, Pettigrew, Wagner.

So the bill passed, and its title was agreed to.

Council Bill No. 339. A bill for an act to amend the charter of the city of Ashton, Dakota.

Was read the third time and put upon its final passage: The roll being called, there were, ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Gamble, Huetsen, Jones, Kennedy, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Duncan, Flittie, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Washabaugh.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 11, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bill No. 233. A bill for an act to incorporate the city of Milbank.

GILBERT A. PIERCE,
Governor.

FIRST READING OF HOUSE BILLS.

Mr. LaMoure moved

All House Bills be considered as read the first and second times referred to their appropriate committees.

Which motion prevailed.

House Bills Nos. 328, 415, 407, 399, 397, 386, 384, 359, 356, 333, 331, 313, 306, 168, 164, 409, 405, 408, 404, 403, 402, 381 and 344.

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 328

Read the second time and referred to the committee on Judiciary.

House Bill No. 415

Read the second time, and referred to the committee on Judiciary.

House Bill No. 407

Read the second time and referred to the committee on Education.

House Bill No. 399

Read the second time and referred to the committee on Education.

House Bill No. 397

Read the second time and referred to the committee on Judiciary.

House Bill No. 386

Read the second time and referred to the committee on Education.

House Bill No. 384

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 359

Read the second time and referred to the committee on Judiciary.

House Bill No. 356

Read the second time and referred to the committee on Judiciary.

House Bill No. 333

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 331

Read the second time and referred to the committee on Judiciary.

House Bill No. 313

Read the second time, and referred to the committee on Judiciary.

House Bill No. 306

Read the second time, and referred to the committee on Judiciary.

House Bill No. 168

Read the second time and referred to the committee on Judiciary.

House Bill No. 164

Read the second time and referred to the committee on Judiciary.

House Bill No. 409

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 405

Read the second time and referred to the committee on Elections.

House Bill No. 408

Read the second time and referred to the committee on Education.

House Bill No. 404

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 403

Read the second time and referred to the committee on Education.

House Bill No. 402

Read the second time and referred to the committee on Counties.

House Bill No. 381

Read the second time and referred to the committee on Judiciary.

House Bill No. 344

Read the second time and referred to the committee on Judiciary.

House Bill No. 395. A bill for an act to amend an act entitled an act to provide for the establishment of a board of railroad commissioners defining their duties and to reg-

ulate receiving and transportation of freight on railroads in the territory approved.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Jones, Kennedy, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Huetson, Natwick, Pettigrew, Walsh.

Absent and not voting:

Messrs. Duncan, Flittie, LaMoure.

So the bill passed and its title was agreed to.

Council Bill No. 381. A bill for an act authorizing the county of Stark to issue bonds and erect a court house and jail in said county.

Was read the third time.

Mr. Jones moved

That the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 411. A Joint Resolution relating to perfecting records of Council and House.

Was read the third time and put upon its final passage.

Mr. Gamble moved

To reconsider the vote by which

House Bill No. 411

Was passed.

Which motion prevailed.

The roll being called, there were, ayes 11; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Gamble, Huetson, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Walsh.

Those who voted in the negative were:

Messrs. Jones, Pettigrew, Washabaugh.

Absent and not voting:

Messrs. Austin, Day, Farmer, Flittie, Kennedy, LaMoure, Natwick, Wagner, Wells, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 383. A bill for an act authorizing the county of Mercer to issue bonds for the construction of a court house, for building bridges, and for school purposes,

Was read the third time.

Mr. Pettigrew moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

House Bill No. 329. A bill for an act to establish Independent School District of Harrison, in Douglas county, Dakota Territory,

Was read the third time.

Mr. Wells moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

Mr. Jones moved

To amend the title by striking out the words "and for other purposes."

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 11; nays 1.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Smedley, Twomey, Washabaugh, Wells, Walsh.

Mr. Pettigrew voting in the negative.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Flittie, LaMoure, McLaughlin, Natwick, Nickeus, Richardson, Wagner, Mr. President.

So the bill passed and its title was agreed to.

House Bill No. 380. A bill for an act authorizing Union School Township, Edmunds county, to issue bonds for the purpose of paying off its outstanding indebtedness,

Was read the third time.

Mr. Jones moved

To adopt the report of the committee.

Which motion prevailed.

The roll being called, there were, ayes 12; nays 5.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Huetson, Kennedy, McLaughlin, Nickeus, Smedley, Twomey, Wells, Walsh.

Those who voted in the negative were:

Messrs. Duncan, Gamble, Jones, Pettigrew, Washabaugh.

Absent and not voting:

Messrs. Bowdle, Flittie, LaMoure, Natwick, Richardson, Wagner, Mr. President.

So the bill passed and its title was agreed to.

Mr. Gamble moved

To reconsider the vote by which

House Bill No. 329

Passed.

Which motion prevailed.

Mr. Jones moved

To indefinitely postpone the further consideration of

House Bill No. 381.

Which motion prevailed.

House Bill No. 117. A bill for an act creating and defining a sub-division of the 3d Judicial District, and for other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were ayes, 14; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Kennedy, LaMoure, Natwick, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Pettigrew, Walsh.

Absent and not voting:

Messrs. Bowdle, Flittie, Gamble, Jones, McLaughlin, Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 382. A bill for an act to establish school district No. 20, Hanson county.

Was read the third time and put upon its final passage.

The roll being called, there were ayes 15; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Farmer, Gamble, Huetson,

Jones, Kennedy, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Bowdle, Day, Flittie, LaMoure, McLaughlin, Natwick, Nickeus, Mr. President.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, March 11, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following House bills, to-wit:

House Bills Nos. 271, 230, 419, 414, 324, 341, 379, 355, 34, 259 and 396.

All of which are herewith transmitted and a concurrence in the same is respectfully requested.

Very Respectfully,

C. M. REED,
Chief Clerk House.

The following report was submitted at this time:

MR. PRESIDENT:

Your committee on Engrossment and Enrollment, to whom was referred

Council Bills Nos. 156, 257, 302, 45, 228,

Beg leave to report that they have this day at 4:45 p. m., presented the same to the Governor for his approval and signature.

Also,

Council Bills Nos. 265, 66, 120, 139, 174, 300, 218, 283, 89, 140, 264, 253, 288, 284, 245, 167, 111, 142, 235, 91, 233, 171, 152, 217, 230, 162, 108, 133, 23, 244, 243, 16, 229, 266, 290, 168, 260, 239, 165, 185, 254, 144, 202, 204, 303,

Beg leave to report that they have this day at 3:08 p. m., presented the same to His Excellency the Governor, for his approval and signature.

CHAS. RICHARDSON,

Chairman.

House Bill No. 394. A bill for an act appropriating funds for certain purposes.

Was read the third time.

Mr. Walsh moved

To amend by striking out the name Judge Flick.

Which motion prevailed.

Mr. Pettigrew moved

To amend by striking out "\$397," where it occurs, and inserting in lieu thereof "\$370."

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 17; nays 3.

Those who voted in the affirmative were:

Messrs. Cameron, Day, Duncan, Farmer, Flittie, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wells, Walsh, Mr. President.

Those voting in the negative were:

Messrs. Huetsen, Wagner and Washabaugh.

Absent and not voting:

Messrs. Austin, Bowdle, Gamble, Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 402. A bill for an act to amend chapter 17 of the Special and Private Laws of 1881.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Day, Farmer, Flittie, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Duncan voted in the negative.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Gamble, LaMoure, Nickeus.

So the bill passed and its title was agreed to.

House Bill No. 347. A bill for an act amending chapter 10 of the Political Code,

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nay 3.

Those who voted in the affirmative were:

Messrs. Austin, Day, Duncan, Flittie, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richard-

son, Smedley, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Twomey, Walsh.

Absent and not voting:

Messrs. Bowdle, Farmer, LaMoure, Nickeus.

So the bill passed and its title was agreed to.

Mr. Gamble moved

To reconsider the vote by which the previous bill passed and the motion to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 235. A bill for an act amending chapter 75 of the Session Laws of 1883 in relation to the drainage of land.

Was read the third time.

Mr. Twomey moved

To recommit the bill to the proper committee.

Which motion was lost.

The roll being called, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Bowdle, Flittie, LaMoure, McLaughlin, Nickeus, Wagner, Wells.

So the bill passed, and its title was agreed to.

House Bill No. 269. A bill for an act legalizing the act of the commissioners of Dickey county in building a court house.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 10; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Day, Huetson, Jones, Kennedy, Natwick, Richardson, Smedley, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Farmer, Flittie.

Absent and not voting:

Messrs. Bowdle, Cameron, Gamble, LaMoure, McLaughlin, Nickeus, Pettigrew, Twomey, Wagner, Wells, Walsh.

So the bill passed and its title was agreed to.

By order of the President, and in compliance with the motion of Mr. LaMoure, Mr. President ordered the following House Bills read the first and second times, and they were referred as follows:

FIRST READING OF HOUSE BILLS.

House Bills Nos. 271, 230, 419, 414, 324, 341, 396, 379, 355, 34 and 259

Were read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 271

Read the second time and referred to the committee on Education.

House Bill No. 230

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 419

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 414

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 324

Read the second time and referred to the committee on Cities and Municipal Corporations.

House Bill No. 341

Read the second time, and referred to the committee on Judiciary.

House Bill No. 396

Read the second time and referred to the committee on Territorial Affairs.

House Bill No. 379

Read the second time, and referred to the committee on Territorial Affairs.

House Bill No. 355

Read the second time and referred to the committee on Education.

House Bill No. 34

Read the second time and referred to the committee on Agriculture.

House Bill No. 259

Read the second time and referred to the committee on Agriculture.

Mr. Jones moved

That the Council adjourn until to-morrow.

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

FIFTY-NINTH DAY.

BISMARCK, Thursday, March 12, 1885.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the chaplain.

The roll being called, all members were present.

Journal of the previous day read, corrected and approved.

Mr. Huetson asked for unanimous consent to introduce a bill at this time and have it read the first time.

There being no objection the President so ordered.

Mr. Huetson introduced—

Council Bill No. 340. A bill for an act to amend chap-7 of Session Laws of 1883, concerning apportionment,

Read the first time and ordered printed and returned this afternoon.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred Council Bill No. 335,

Have had the same under consideration, and beg leave to report the same back with the following amendment, viz: Strike out the last six lines of section S.

With this amendment, we recommend that the bill do pass.

Also,
House Bill No. 398.

Have had the same under consideration and beg leave to report back the following amendment as a substitute therefor and recommend that said substitute do pass.

Also,
House Bill No. 44.

Have had the same under advisement and beg leave to report back the following amendment as a substitute for said bill and recommend that said substitute do pass.

Also,
Council Bill No. 336.

And have directed me to report the same back with the recommendation that it do pass.

Also,
House Bill No. 397.

Have had the same under consideration and beg leave to report the same back with the recommendation that said bill do pass.

Also,
House Bill No. 223. A bill for an act providing for struck juries.

Have had the same under consideration and beg leave to report the same back with the following amendment with the recommendation that it do pass as amended.

Also,
House Bill No. 359. A bill for an act to amend section 107, of the Code of Civil Procedure.

Have had the same under advisement and beg leave to report the same back with the recommendation that it do pass.

J. R. GAMBLE,
Chairman.

MR. PRESIDENT:

Your committee on counties to whom was referred
House Bill No. 391.
Recommend that it do pass,

B. R. WAGNER,
Chairman.

MR. PRESIDENT:

Your committee on Appropriations to whom was referred

House Bill No. 361.

And report the same back without recommendation.

Also,
Council Bill No. 339

Report back a substitute and recommend that the substitute do pass.

R. F. PETTIGREW,
Chairman.

MR. PRESIDENT:

Your committee on Public Printing to whom was referred

House Bill No. 310.

Have had the same under consideration and beg to report the same back with the recommendation that it do pass.

Yours,
CHARLES RICHARDSON,
Chairman.

MR. PRESIDENT:

Your Educational committee have considered
House Bill No. 355,

And recommend that the bill do not pass.

Also,

House Bill No. 171. A bill for an act to locate, establish and endow a Territorial Normal School at Groton, Dakota Territory,

And beg leave to report the same back with recommendation that the bill do not pass.

Also,

House Bill No. 399.

And recommend that the bill do pass.

Also,

House Bill No. ——. A bill for an act to regulate caucuses and primary meetings in this territory,

And recommend that the bill do pass.

Also,

House Bill No. 407,

And recommend that the bill do pass,

Also,

House Bill No. 403

And recommend that the bill do pass.

Also,

House Bill No. 408

And recommend that the bill do pass.

Also,

House Bill No. 257

And recommend that the bill do pass.

Also,

House Bill No. 289

And recommend that the bill do pass.

House Bill No. 386,

And report the same back without recommendation.

S. PITTS WELLS,
Chairman.

MR. PRESIDENT:

Your committee on Elections, to whom was referred

Council Bill No. 263. A bill for an act to provide for the conduct and holding of elections,

Beg leave to report that they have had the same under consideration and report the same back without recommendation.

All of which is respectfully submitted.

A. SHERIDAN JONES,
Chairman.

MR. PRESIDENT:

Your committee on Cities and Municipal Corporations, to whom was referred

House Bill No. 324

Refer the same back and recommend that it do pass.

Also,

House Bills Nos. 333, 384 404 and 409,

Have had the same under consideration and recommend their passage.

Also,

House Bill No. 419,

Have had the same under consideration and recommend that it do pass.

Also,

House Bills Nos. 230 and 420.

Have had the same under consideration and recommend that it do pass.

JUDSON LAMOURE,
Chairman.

MR. PRESIDENT:

Your Conference Committee, to whom was referred Council Bill No. 311.

Beg leave to report that they have had the same under consideration, together with a like committee from the House of Representatives, and your committee report the same back and recommend that the Council do concur in the House amendments.

H. H. NATWICK.
Chairman.

MR. PRESIDENT:

Your committee to whom was referred a substitute for House Bill No. 34,
Having considered the same, do recommend its passage.

Also,

House Bill No. 259,

Have had the same under careful consideration, and recommend the passage of the same.

J. P. DAY,
Chairman.

MR. PRESIDENT:

House Bill No. 185. A bill for an act concerning persons employed about the building,

Is herewith returned without recommendation.

A. M. BOWDLE,
Chairman Building Committee.

MR. PRESIDENT:

Your committee on Revenue, to whom was referred Council Bill No. 94,

Have had the same under consideration and beg leave to report back the following amendment as a substitute therefor, and recommend that the said substitute do pass.

C. D. AUSTIN,
Chairman.

MR. PRESIDENT:

Your committee have had House Bill No. 254

Under consideration and recommend that it do pass.

GEORGE R. FARMER,
Chairman.

PETITIONS AND RESOLUTIONS.

Mr. McLaughlin asked unanimous consent to introduce a resolution at this time by request.

There being no objection, the President directed that it be received, and is as follows, viz:

BISMARCK, March 10, 1885.

To the Honorable, the Members of the Territorial Council:

GENTLEMEN: If I am correctly informed, there appears spread upon the Council records, as of Wednesday, the 4th instant, a resolution, the purport of which seeks to cast odium upon several gentlemen, named, among others, myself. The resolution raises a special committee to investigate certain allegations therein set forth.

Your petitioner would respectfully inform your honorable body that since said committee has been announced, on Wednesday evening, your petitioner has been in momentary readiness to respond to the calls of its chairman, the Hon. J. H. Westover, who is also President of the Council.

Your petitioner would further set forth that not until the 9th instant did he receive any communication from said committee, and on the morning of that day he received written notice, through the Sergeant-at-Arms, signed by Mr. Westover, requiring his presence at the cloak room of the Council chamber at 11 o'clock a. m. That he appeared at the place, and at the time designated, and was informed that the committee was not in session, since which time nothing further has transpired in regard to the matter.

Your petitioner begs to inquire if it is asking too much to urge that this committee meet, take testimony and report, to the end that your records may not bear ex-parte testimony, derogatory to one who has made it a matter of just pride to maintain the integrity of his every act.

Your petitioner would, therefore, most earnestly seek the individual attention of each member of your honorable body, that no injustice may come in future years, and therefore would pray that said report be demanded of said committee, or said resolution be expurgated from the record.

And that your records may show my readiness to re-

spond at all times, to the demands of your committee, I respectfully ask that this petition be made a part of, and spread at length upon your official records.

And for this your petitioner will ever pray.

Very Respectfully,

A. W. EDWARDS.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 261. A bill for an act to provide for the relocation of the county seat of Trail county.

Was read the third time.

Mr. Walsh moved

That the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 397. A bill for an act providing for the collection and compilation of statistics of the Territory of Dakota.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Day, Kennedy, Pettigrew, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 223. A bill for an act providing for struck juries.

Was read the third time.

Mr. Smedley moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called on the final passage of the bill, as amended, there were ayes, 17; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Richardson, Smedley, Twomey, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:
Messrs. Duncan, Wagner, Walsh.

Absent and not voting:
Messrs. Austin, Day, LaMoure, Pettigrew.

So the bill passed and its title was agreed to.

House Bill No. 408. A bill for an act to establish a board of education for the town or city of Alexandria, Hanson county, Dakota Territory.

Was read the third time.

Mr. Cameron moved
To suspend the rules and
That the further reading of the bill be dispensed with.
Which motion prevailed.

The roll being called, there were, ayes 19; nays none.

Those who voted in the affirmative were:
Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie,
Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin,
Nickeus, Twomey, Wagner, Washabaugh, Wells, Walsh,
Mr President.

Absent and not voting:
Messrs. Duncan, Natwick, Pettigrew, Richardson, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 409. A bill for an act to locate a certain portion of the town of Sterling.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 16; nays none.

Those who voted in the affirmative were:
Messrs. Austin, Bowdle, Day, Farmer, Gamble, Huetson,
Jones, Kennedy, LaMoure, Natwick, Nickeus, Smedley, Twomey,
Wagner, Wells, Mr. President.

Absent and not voting:
Messrs. Cameron, Duncan, Flittie, McLaughlin, Pettigrew,
Richardson, Washabaugh, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 333. A bill for an act to vacate Cherry street, in the town of Meno. Hutchison county, Dakota.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays none.
Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, Natwick, Twomey, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Duncan, Flittie, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Walsh moved

That the Council concur in House amendment to Council Bill No. 181.

Which motion prevailed.

Mr. Nickeus moved

That the Council do now concur in House amendment to Council Bill No. 186.

Which motion prevailed.

House Bill No. 384. A bill for an act to incorporate the city of Alexandria.

Was read the third time.

Mr. Wagner moved

That further reading be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 14; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Gamble, Huetson, LaMoure, McLaughlin, Nickeus, Smedley, Twomey, Wagner, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Austin, Flittie, Jones, Kennedy, Natwick, Pettigrew, Richardson, Washabaugh, Wells.

So the bill passed and its title was agreed to.

House Bill No. 254. A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Petti-

grew, Richardson, Twomey, Washabaugh, Wells, Walsh,
Mr. President.

Mr. Wagner voting in the negative.

Absent and not voting :

Messrs. Duncan, Farmer, Flittie, Natwick, Smedley.

So the bill passed and its title was agreed to.

Mr. Jones asked unanimous consent to make a report of
Council Bill No. 263

At this time.

There being no objection the President so ordered, and it
was received and read.

Mr. Jones moved

That further consideration of the bill be indefinitely
postponed.

Which motion prevailed.

Mr. McLaughlin moved

That the Council do not concur in House amendment to
Council Bill No. 329,

And that a committee of conference be appointed upon
the same.

Which motion prevailed.

And the President appointed Messrs. McLaughlin, Nick-
eus and Washabaugh as such committee.

House Bill No. 324. A bill for an act to vacate that
portion of Helmsworth & McLean's addition to the city of
Mandan lying south of the main track of the Northern
Pacific Railroad.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 15; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Gamble, Jones, Kennedy,
LaMoire, McLaughlin, Pettigrew, Richardson, Twomey,
Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Washabaugh.

Absent and not voting:

Messrs. Austin, Farmer, Flittie, Natwick, Nickeus, Smed-
ley.

So the bill passed and its title was agreed to.

House Bill No. 404. A bill for an act entitled an act to

amend the charter of the village of Minto, Walsh county.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 13; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Huetson, Kennedy, McLaughlin, Pettigrew, Richardson, Twomey, Wagner, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, Jones, LaMoure, Natwick, Nickeus, Smedley, Washabaugh, Wells.

So the bill passed and its title was agreed to.

House Bill No. 403. A bill for an act to create certain territory now within the school township of Brightwood, Richland county, Dakota Territory, as an Independent School District No. 1, Richland county, D. T.

Was read the third time.

Mr. Austin moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 15; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Gamble, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Duncan, Huetson, Wagner.

Absent and not voting:

Messrs. Farmer, Flittie, LaMoure, Natwick, Washabaugh.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, March 12, 1885.

MR. PRESIDENT:

I am requested to announce that the House has this day passed

Council Bills Nos. 21, 195 with an amendment; 249, 309, 189, 304 with an amendment; 329, 181 with an amendment; substitute for 186; 307, and substitute for 262,

And your concurrence therein is respectfully requested.

Also,

I am requested to announce to your honorable body that the House of Representatives has passed the following House Bills, to-wit:

House Bills Nos. 423 and 424.

Also,

Council Bill No. 190 with amendment.

All of which are herewith transmitted, and a concurrence is requested.

Also,

I have the honor to transmit herewith Council Bill No. 333. A bill for an act providing for taking a census,

Which the House has passed.

C. M. REED,
Chief Clerk House.

Mr. Twomey moved

That the Council do not concur in House amendments to Council Bill No. 190,

And that a Committee of Conference be appointed.

Which motion prevailed.

The President appointed as such committee:

Messrs. Twomey, Austin, Pettigrew.

House Bill No. 259. A bill for an act to authorize counties to give a bounty on wolf and fox scalps.

Was read the third time.

Mr. Huetson moved

To indefinitely postpone the further consideration of the bill.

Which motion prevailed.

Substitute bill for

House Bill No. 34. A bill for an act to suppress and prevent the spread of pleuro-pneumonia among cattle and contagious and infectious glanders among horses, mules and asses and to empower veterinary surgeons to investigate and suppress disease among swine.

Was read the third time.

Mr. Westover moved

That further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Mr. Pettigrew moved

That the Council now concur in
House amendments to
Council Bill No. 195.

Which motion prevailed.

The following report was submitted at this time:

MR. PRESIDENT:

Your committee on Cities and towns have had
House Bill No. 414

Under consideration and report the same back with an
amendment and recommend its passage as amended.

Amend by adding after the word "male" the word "per-
son," add at the end of section 1 and insert "qualified elec-
tor" in the place thereof.

J. LAMOURE,
Chairman.

Mr. Pettigrew moved

The adoption of the report of the committee on
House Bill No. 414.

Which motion prevailed.

Mr. Pettigrew moved

To amend the bill as recommended by the committee.

Which motion prevailed.

House Bill No. 414. A bill for an act to amend the
charter of Sioux Falls.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huet-
son, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew,
Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Gamble, Jones, McLaughlin.

Absent and not voting:

Messrs. Austin, Flittie, Richardson, Washabaugh.

So the bill passed and its title was agreed to.

House Bill No. 391. A bill for an act entitled an act to
amend an act entitled an act authorizing the county com-

missioners of Day and Hyde counties to fund the outstanding indebtedness.

Was read the third time.

Mr. Day moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 407. A bill for an act authorizing School District No. 52 of Deuel county to issue bonds to build a school house.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Cameron, LaMoire, McLaughlin, Richardson, Washabaugh, Mr. President.

So the bill passed and its title was agreed to.

Mr. Pettigrew moved

That the Council do now concur in

House Amendment

To

Council Bill No. 262.

Which motion prevailed.

Substitute for

House Bill No. 44. A bill for an act to amend section 74 of chapter 59 of the Session Laws of 1879.

Was read the third time.

Mr. Gamble moved

That the report of the committee be adopted.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended, there were, ayes 14; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Farmer, Gamble, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wells.

Those who voted in the negative were:

Messrs. Duncan, Wagner and Walsh.

Absent and not voting:

Messrs. Day, Flittie, LaMoure, McLaughlin, Smedley, Washabaugh, Mr. President.

So the bill passed and its title was agreed to.

House Bill No 405. A bill for an act to regulate caucusses and primary meetings in this Territory.

Was read the third time.

Mr. Nickeus moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Mr. Washabaugh moved

To reconsider the vote by which

House Bill No. 405

Was indefinitely postponed.

Mr. Nickeus moved

To lay the motion on the table.

Which motion was lost.

The question was upon the original motion.

Which motion was adopted and the bill reconsidered.

Mr. Washabaugh moved

The previous question.

Which motion prevailed.

The roll being called upon the final passage of the bill, there were, ayes 18; nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Huetsen, LaMoure, Nickeus, Richardson, Walsh.

So the bill passed and its title was agreed to.

Mr. LaMoure moved

That all House bills be considered as read the first and second time and referred to their proper committees.

Which motion prevailed.

The President announced that the Council would take a recess until 2:30 o'clock p. m. if there were no objection.

There being no objection the recess was taken.

The Council met at 2:30 p. m.

House Bill No. 399. A bill for an act to establish the Plankinton independent school district in Aurora county, and to provide for the organization and government of the same.

Was read the third time.

Mr. Wells moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called upon its final passage there were, ayes 18; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Duncan, Flittie, Gamble, Natwick, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 310. A bill for a joint resolution to provide for the payment of the printing and binding of the Council and House Journals for the sixteenth session legislative assembly.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes-19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Farmer, Huetsen, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Duncan, Flittie, Gamble, Natwick.

So the bill passed and its title was agreed to.

House Bill No. 356. A bill for an act to amend section 540 of the Civil Code,

Was read the third time.

Mr. Duncan moved

To adopt the report of the committee.

Which motion prevailed.

House Bill No. 381. A bill for an act authorizing the county of Stark to issue bonds and erect a court house and jail in said county,

Was read the third time and put upon its final passage.

The roll being called there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Flittie, Gamble, Natwick, Washabaugh.

So the bill passed and its title was agreed to.

Mr. Wells moved

That Mr. Jones be instructed to draw an amendatory bill of the old school law.

Which motion prevailed.

House Bill No. 257. A bill for an act providing for a school board for the city of Lisbon, and for other purposes,

Was read the third time.

Mr. Huetson moved

To suspend the rules and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nick-eus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Flittie, Gamble.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 12, 1885.

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bills Nos. 248, 264, 96, 300, 89, 167, 142, 302, 120, 111 and 45.

GILBERT A. PIERCE,
Governor.

The following report was submitted at this time:

BISMARCK, March 12, 1885.

MR. PRESIDENT:

Your committee on Enrollment to whom was referred
Council Bill No. 186,

Beg leave to report the same back as correctly en-
grossed.

Also,
House Bill No. 223,

Beg leave to report the same back as correctly en-
grossed.

CHAS. RICHARDSON,
Chairman.

MESSAGE FROM THE HOUSE.

BISMARCK, D. T., March 12, 1885.

MR. PRESIDENT:

I have the honor to announce that the House of Repre-
sentatives has this day passed

Council Bills Nos. 311, with an amendment, 271, 51, 332,
194, 299 and 231.

Also,
House Bill No. 420.

And your concurrence therein is respectfully requested.

Very respectfully,

C. M. REED.
Chief Clerk House.

Mr. Richardson asked for unanimous consent to intro-
duce a bill at this time and have it read the first, second
and third time and put upon its final passage.

There being no objection, the President so ordered.

Mr. Richardson introduced—

Council Bill No. 341. A bill for an act to amend Coun-
cil Bill No. 244, that certain townships shall assume the
bonded indebtedness as if they were still within the limits
of Burleigh county.

Was read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Huetsen, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Natwick voting in the negative.

Absent and not voting:

Messrs. Gamble, Flittie, LaMoure.

So the bill passed and its title was agreed to.

House Bill No. 289. A bill for an act to establish the independent school district of Bridgewater and to provide for the organization and government of the same.

Was read the third time.

Mr. Jones moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called there were, ayes 20; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Gamble, Huetsen, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Flittie, LaMoure, Natwick.

So the bill passed, and its title was agreed to.

House Bill No. 411. A Joint Resolution relating to perfecting records of Council and House.

Was read the third time.

Mr. Westover moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Mr. Westover asked

Leave to make a motion at this time.

There being no objection the chair so ordered.

Mr. Westover moved

The the Council do not concur in

House amendment to

Council Bill No. 311,

And that a committee of Conference be appointed upon same of which Mr. Natwick should be chairman.

Which motion prevailed.

The chair appointed as such committee

Messrs. Natwick, Farmer and Westover.

Mr. Pettigrew asked

Unanimous consent to introduce at this time a Joint Resolution.

Messrs. Nickeus and Richardson objecting the bill was not introduced.

House Bill No. 359. A bill for an act to amend section 107 of the Code of Civil Procedure.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 18; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Huetsen, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. McLaughlin and Wells.

Absent and not voting:

Messrs. Cameron, Gamble, LaMoure, Natwick.

So the bill passed and its title was agreed to.

House Bill No. 386. A bill for an act to legalize school tax levied by Andover school township No. 9 in Day county.

Was read the third time.

Mr. Pettigrew moved

That the further consideration of this bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 419. A bill for an act to amend an act to incorporate the city of Bismarck.

Was read the third time,

Mr. Pettigrew moved

That the bill be referred to a committee of one consisting of Mr. Huetson, of Lincoln county, for the purpose of examining it, and report it back with all speed.

Which motion prevailed.

House Bill No. 361. A bill for an act making appropriation for the construction of a sewer and cesspool for the building occupied by the Sixteenth Legislative Assembly.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 8; nays 10.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, LaMoure, Nickeus, Smedley, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Austin, Cameron, Farmer, Huetson, Jones, Natwick, Pettigrew, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Gamble, Flittie, Kennedy, McLaughlin, Richardson, Twomey.

So the bill was lost.

Mr. Walsh moved

To suspend the rules and that the Council proceed to take up the order of third reading of Council Bills.

Which motion prevailed.

Council Bill No. 336. A bill for an act to amend chapter 27 of the Laws of 1879, relating to judicial subdivisions,

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 14; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Jones, LaMoure, Nickeus, Pettigrew, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Flittie, Gamble, Kennedy, McLaughlin, Natwick, Richardson, Twomey.

So the bill passed and its title was agreed to.

Council Bill No. 343. A bill for an act appropriating funds for the payment of the postmaster of the Council,

Was read the third time.

Mr. Pettigrew moved

To adopt the substitute.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Flittie, McLaughlin, Natwick, Twomey.

So the bill passed and its title was agreed to.

Mr. Austin moved

To reconsider the vote by which

House Bill No. 361

Was lost.

Which motion prevailed.

Mr. Jones moved

To amend by making the amount named in the bill a donation.

Which motion prevailed.

House Bill No. 361. A bill for an act making an appropriation for the construction of a sewer and cesspool for the building occupied by the 16th Legislative Assembly,

Was read the third time as amended and put upon its final passage.

Mr. Gamble moved

To amend section 1 by adding at the end thereof the following proviso:

Provided, that this donation shall be construed as an act of charity and not because the alleged claim was attempted to be contracted for by the president of the Capitol Commission.

Which motion prevailed.

The roll being called upon the final passage of the bill with the amendment, there were, ayes 18; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Petti-

grew, Richardson, Smedley, Twomey. Washabaugh, Wells, Walsh.

Those who voted in the negative were:

Messrs. Huetson, Natwick, Wagner, Mr. President.

Absent and not voting:

Messrs. Cameron, Gamble,

So the bill passed and its title was agreed to.

Substitute for

Council Bill No. 94. A bill for an act to amend certain portions of chapter 27 and 28 of the Political Code entitled revenue.

Was read the third time.

Mr. Walsh moved

To amend the bill by striking out "April" and insert in lieu thereof "June."

Which motion prevailed.

The roll being called, there were, ayes, 14; nays 2.

Those who voted in the affirmative were:

Messrs. Day, Duncan, Farmer, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Washabaugh, Mr. President.

Absent and not voting:

Messrs. Austin, Bowdle, Cameron, Flittie, Gamble, Natwick, Pettigrew, Wells.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

That the Council now concur in House amendment to Council Bill No. 318.

Which motion prevailed.

Council Bill No. 335. A bill for an act to provide for the incorporation of building and loan associations.

Was read the third time.

Mr. Natwick moved

That the further reading of the bill be dispensed with and the report of the committee on the bill amended be adopted and put upon its final passage.

Which motion prevailed.

The roll being called, upon the final passage of the bill, there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Huetson, Jones, LaMoure, McLaughlin, Natwick, Nickéus, Richardson, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Flittie, Gamble, Kennedy, Pettigrew, Smedley, Wells,

So the bill passed and its title was agreed to.

Mr. Washabaugh moved

That the Council do now concur in House Amendment to Council Bill No. 240.

Which motion prevailed.

Mr. Twomey asked for unanimous consent to introduce a bill at this time and have it read the first, second and third time and put upon its final passage.

Which motion prevailed.

Mr. Twomey introduced—

Council Bill No. 342. A bill for an act to amend section 14, chapter 30, of the Political Code.

Read the first, second and third time and put upon its final passage.

The roll being called there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Flittie, Huetson, Jones, Kennedy, McLaughlin, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Gamble, LaMoure, Natwick, Smedley.

So the bill passed and its title was agreed to.

Mr. Wells moved

To reconsider the vote by which

House Bill No. 386

Was indefinitely postponed.

Which motion prevailed.

Mr. Smedley moved

That

House Bill No. 386

Be put upon its final passage.

Which motion prevailed.

The roll being called upon its final passage, there were, ayes 16; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Farmer, Flittie, Huetson, Jones, Kennedy, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Austin, Cameron, Gamble, LaMoure, McLaughlin, Natwick, Washabaugh.

So the bill passed and its title was agreed to.

House Bill No. 185. A Joint Resolution for the payment of persons employed about the building occupied by the Sixteenth Legislative Assembly not otherwise provided for.

Was read the third time.

Mr. Jones moved

That the bill be laid upon the table.

Which motion prevailed.

House Bill No. 171. A bill for an act to locate, establish and endow a Territorial Normal School.

Was read the third time.

Mr. Pettigrew moved

To indefinitely postpone the further consideration of the bills.

Which motion prevailed.

House Bill No. 355. A bill for an act to amend section 12 of chapter 62 of the Special and Private Laws of 1881.

Was read the third time.

Mr. Bowdle moved

That the above bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 420. A bill for an act to provide a charter for the city of Pembina.

Was read the third time.

Mr. Cameron moved

To suspend the rules, and that the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Gamble,

Huetson, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh.

Mr. Duncan, voting in the negative.

Absent and not voting:

Messrs. Farmer, Natwick, Richardson, Washabaugh, Mr. President.

So the bill passed and its title was agreed to.

Substitute for

House Bill No. 389. A bill for an act authorizing the Judge to create a new sub-division in the 3d Judicial District and for other purposes.

Was read the third time.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. McLaughlin moved

To insert the word "may" in lieu of the word "shall" where it first occurs in the first section.

Which motion was lost.

Mr. Nickeus moved

To amend by striking out "each member" where it occurs in the first section, and inserting in lieu thereof "a majority."

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there, were, ayes 21; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Huetson, Jones, Kennedy, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. McLaughlin voting in the negative.

Absent and not voting:

Messrs. Gamble, LaMoure.

So the bill passed and its title was agreed to.

House Bill No. 230. A bill for an act to incorporate the town of Bridgewater, county of McCook, Territory of Dakota.

Was read the third time.

Mr. Gamble moved

That the further reading of the bill be dispensed with.

Which motion prevailed.

The roll being called, there were, ayes 24; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 12, 1885.

MR. PRESIDENT: *

I have the honor to inform the Council that I have approved

Council Bills Nos. 185, 6, 251, 165, 260, 239, 202 and 254.

GILBERT A. PIERCE,
Governor.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to transmit herewith the following Council bills which the House has this day passed as follows:

Council Bills Nos. 330, 334, 308, 240, 326, 203, 315, 327, 318, 288, 313, 296, 130, 221, 316, 325, 295 and 221 substitute.

Very Respectfully,

C. M. REED,
Chief Clerk House.

The following report was submitted at this time.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled bills report that

Council Bills Nos. 247, 231, 307, 271, 333, 189 and 199

Are returned herewith

As correctly enrolled.

Also,

Council Bills Nos. 249, 299 and 304.

As correctly enrolled.

Also,

Council Bills Nos. 317, 286, 305 and 179.

Beg leave to report the same back as correctly enrolled.

Also,

Council Bills Nos. 202, 195, 21, 333 and 51

As correctly enrolled.

CHAS. RICHARDSON,
Chairman.

The President appointed as assistant enrolling and engraving clerk F. D. Johnson.

Mr. Natwick moved

That the report of the committee on Conference on Council Bill No. 311

Be adopted.

Which motion prevailed.

Mr. Gamble moved

That the Council do now adjourn,

Which motion prevailed.

Adjourned.

A. W. HOWARD,
Chief Clerk.

SIXTIETH DAY.

BISMARCK, Friday, February 13, 1885.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, all members were present.

The Journal of the previous day read, corrected and approved.

Mr. McLaughlin asked for unanimous consent to introduce a bill at this time and have it read the first, second and third times and put upon its final passage.

There being no objection, the President so ordered.

Mr. McLaughlin introduced—

Council Bill No. 344. A bill for an act to vacate certain portions of Cooper's addition to the city of Grafton, Walsh county, Dakota Territory, and for other purposes,

Was read the first, second and third times and put upon its final passage.

The roll being called there were, ayes 12; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Gamble, Huetsen, LaMoure, McLaughlin, Nickeus, Wagner, Wells, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Cameron, Farmer, Flittie, Jones, Kennedy, Natwick, Pettigrew, Richardson, Smedley, Twomey, Washabaugh.

So the bill passed and its title was agreed to.

PETITIONS AND MOTIONS.

Petition of A. W. Edwards read.

Mr. LaMoure moved

That all the names in the original resolution be added to this as follows:

Alex. McKenzie, W. F. Steele and O. L. Johnson.

Not seconded.

Mr. Westover moved

That the further consideration upon the above petition be postponed until this afternoon.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee have had
House Bills Nos. 396 and 397

Under advisement, and recommend their passage.

GEO. R. FARMER,
Chairman.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled Bills beg leave to report

Council Bills Nos. 316 and 298

As correctly engrossed.

Also,
Council Bills Nos. 130, 333, 181, 285, 295, 326, 320, 308,
330, 327, 315, 318, 325, 181, 313 and 296,

As being correctly enrolled.

Also,
Council Bills Nos. 22, 309, 203, 303, 311 and 240,
Report the same back as correctly enrolled.

CHARLES RICHARDSON,
Chairman.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred
House Bill No. 297,

Have had the same under consideration, and report the
same back with the recommendation that said bill do not
pass.

Also,
House Bill No. 280.

Have had same under consideration, and beg leave to
report the same back with the recommendation that said
bill do not pass.

Also,
House Bills Nos. 415, 423 and 424,

Have had the same under consideration, and beg leave to
report the same back with the recommendation that said
bills do pass.

Also,
House Bill No. 313.

Have had the same under consideration and beg leave to
report the same back with the recommendation that said
bill be indefinitely postponed.

Also,
House Bill No. 69. A bill for an act to amend section 19
of chapter 21 of the Political Code.

Have had the same under consideration and beg leave to
report the same back with the recommendation that it do
not pass.

Also,
House Bill No. 134.

Have had the same under consideration and beg leave to
report the same back with the recommendation that said
bill do pass.

Also,
House Bill No. 40.

Have had the same under consideration and beg leave to report back the following amendment as a substitute therefor and recommend that said substitute do pass.

Also,
House Bills Nos. 164, 5, 168, 268, 306, 329 and 341.

Have had the same under consideration and beg leave to report the same back with the recommendation that said bills do not pass.

J. R. GAMBLE,
Chairman.

Mr. Gamble moved

That a number of bills which the committee on Judiciary have had under consideration do not pass.

The following are the bills:

House Bills Nos. 164, 168, 265, 268, 341 and 306.

And that the further consideration of the same be indefinitely postponed.

Which motion prevailed.

MR. PRESIDENT:

Your committee on Judiciary, to whom was referred House Bill No. 328,

Have had the same under consideration, and beg leave to report the same back with the recommendation that said bill do not pass.

J. R. GAMBLE,
Chairman.

Mr. LaMoure moved

To adopt the report of the committee.

Which motion prevailed.

Mr. Washabaugh moved

To indefinitely postpone the further consideration of the bill.

Ayes and nays called for.

The roll being called, there were, ayes 13; nays 7.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Farmer, Flittie, Gamble, LaMoure, Natwick, Nickeus, Richardson, Smedley, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Kennedy, McLaughlin, Pettigrew, Twomey, Wagner.

Absent and not voting:

Messrs. Cameron, Day, Jones, Walsh.

And so the motion prevailed.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 12, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bills Nos. 171, 238, 253, 229, 91, 217, 230, 162, 144, 245, 108, 133, 23 and 156.

GILBERT A. PIERCE,
Governor.

MR. PRESIDENT:

Your Conference Committee upon the disagreeing vote of the two houses upon House amendments to

House Bill No. 190,

have had the same under consideration and report back that they cannot agree, and recommend that another Conference Committee be appointed.

D. H. TWOMEY,
Chairman.

Mr. Twomey moved

That the report of the committee be adopted.

Which motion prevailed.

The President appointed as such committee:

Messrs. Gamble, Twomey and Pettigrew.

MESSAGES FROM THE HOUSE.

BISMARCK, March 13, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has passed the following House Bills, to-wit:

House Bills Nos. 270, 425, 426, 298, 422, 339, 398, 322, 421,
Also,

The following Council Bills:

Council Bills Nos. 321, 186, 342, 287, 341, 336, 289, 210, 333, 298, 355 with amendment; 297, 331, 343, 324, 323, 306
Was lost.

All of which are herewith transmitted, and a concurrence in the same is respectfully requested.

C. M. REED,
Chief Clerk House.

Mr. Westover asked the unanimous consent of the Council at this time to have

House Bill No. 298

Read the first, second and third times and put upon its final passage.

There being no objection, the Chairman so ordered.

House Bill No. 298. A bill for an act providing for the erection of a court house and jail in Hyde county.

Was read the first, second and third times and put upon its final passage.

The roll being called, there were, ayes 16; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Gamble, Huetson, Jones, Kennedy, McLaughlin, Smedley, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Absent and not voting:

Messrs. Farmer, Flittie, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Wells.

So the bill passed and its title was agreed to.

REPORT OF THE SPECIAL COMMITTEE.

Your committee on Conference, appointed to confer with a like committee from the House of Representatives with reference to House amendments to

Council Bill No. 329,

Report they have held such conference and recommend that the Council concur in the House amendments and that the title of the bill be amended so as to read as follows: A bill for an act to amend chapters 34 and 35 of the Session Laws of 1883 relating to the service of summons and other process in justice and district courts respectively.

P. J. McLAUGHLIN,
Chairman Council Committee.

P. J. McCUMBER,
Chairman House Committee.

Mr. McLaughlin moved
That the report be adopted.

Which motion prevailed.

Mr. Pettigrew asked unanimous consent to introduce a bill at this time.

There being no objection, the President so ordered.

Mr. Pettigrew moved

To suspend the rules, and that

Council Bill No. 345

Be read the first, second and third time by its title and put upon its final passage.

Which motion prevailed.

Council Bill No. 345. A bill for an act to provide for payment of clerical work in the Executive office.

Was read the first, second and third time and put upon its final passage.

The roll being called, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, Nickeus, Pettigrew, Richardson, Smedley, Wagner, Wells, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Cameron, McLaughlin, Natwick, Twomey.

So the bill passed, and its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bills Nos. 322, 421, 422, 398, 270, 339, 426 and 425.

Were read the first time.

Mr. Walsh moved

To suspend the rules, and that

House Bill No. 398

Be given its second and third reading and put upon its final passage.

Which motion was lost.

REPORTS OF SPECIAL COMMITTEES.

To the President of the Council:

The undersigned to whom was referred

House Bill No. 419. A bill for an act amendatory to the charter of the city of Bismarck.

Respectfully returns the same with the recommendation that the same do not pass in its present form for the following reasons:

FIRST, The date of the annual election is changed so as to continue the present authorities in office until July 1, 1885, without any good and sufficient reason being known for the same, giving good ground to suppose that these officers are being continued in office for a specific purpose.

2. The next board to be elected are to hold office nine months, and after the expiration of their term, the time is to be extended for two years contrary to the usual custom of city governments.

3. Unlimited power is given to this board that is to be continued in office, to maintain water works or to contract with any person or private corporation to construct the same not specifying any amount for the same. the parties interested informing me that \$90,000 will be the probable cost of the same.

4. By this act the city council have the power to regulate this water works company by ordinance and gives them the power to take and condemn any land necessary for the use of said water works company over a territory extending five miles from the city limits and more if necessary.

5. Considering the amount of indebtedness already existing in the city of Bismarck, then add to that the bill passed in the House last night to bond the city for sewerage to the amount of \$15,000, and then the unlimited amount that can be expended by the city council by the provisions of this act. I think it would be unwise on the part of the Council and unjust to the people of this city to pass this bill unless an amendment be attached giving the voters of the city the right to confirm or reject the same.

6. Any corporation of the magnitude of a water works company, should have some rules and regulations governing them, more than can be found in the few lines of this act.

7. A very good and sufficient act has been passed by this Legislature this session providing for water works in cities.

A. C. HUETSON,
Chairman.

Mr. LaMoure moved

That the Council do not the report of the committee.

Which motion prevailed.

Mr. Jones asked for unanimous consent to introduce a bill at this time and to have it read the first, second and third time and put upon its final passage.

There being no objection the President so ordered.

Mr. Jones introduced—

Council Bill No. 346. A bill for an act to amend chapter 44 of the Session Laws of 1883, entitled Education.

Read the first, second and third time and put upon its final passage.

The roll being called there were, ayes, 20; nays 1.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Walsh voting in the negative.

Absent and not voting:

Messrs. Austin, Duncan, Natwick.

So the bill passed and its title was agreed to.

Mr. Walsh moved

To suspend the rules and that

House Bill No. 398

Be taken up and given its second and third reading and put upon its final passage.

Which motion prevailed.

House Bill No. 398. A bill for an act to amend section 14 of an act entitled an act to incorporate the city of Hillsboro, Traill county, Dakota.

The roll being called there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Flittie, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Gamble, Natwick, Pettigrew.

So the bill passed and its title was agreed to.

House Bill No. 423. A bill for an act to amend chapter

79 of the Session Laws of 1883, entitled an act to amend section 13 of chapter 2 of the Political Code relating to extra per diem of chief clerk.

Read the third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, Walsh-

So the bill passed and its title was agreed to.

House Bill No. 313. A bill for an act to legalize the acts of the President and trustee of the town of Ipswich and to provide means of protection against loss by fire.

Was read the third time and put upon its final passage.

Mr. Pettigrew, moved

To indefinitely postpone the further consideration of this bill.

Which motion prevailed.

House Bill No. 418. A bill for an act to amend section 9 of chapter 55 of the laws of Dakota for 1883.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Gamble, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Austin, Duncan, Farmer, Flittie, McLaughlin.

So the bill passed and its title was agreed to.

Mr. Smedley asked unanimous consent to introduce a bill at this time and have it read the first, second and third time and put upon its final passage.

There being no objection the President so ordered.

Mr. Smedley introduced—

Council Bill No. 347. A bill for an act to amend an act

authorizing the county of Roberts to fund outstanding indebtedness.

Was read the first, second and third time and put upon its final passage.

The roll being called, there were, ayes 20; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetson, Jones, Kennedy, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, LaMoure.

So the bill passed and its title was agreed to.

House Bill No. 134. A bill for an act to provide for transcribing the records in Edmunds and McPherson counties.

Was read the third time and put upon its final passage.

The roll being called there were, ayes 19; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting;

Messrs. Austin, Duncan, Flittie, Nickeus, Smedley.

So the bill passed and its title was agreed to.

House Bill No. 69. A bill for an act to amend section 91 of chapter 21 of the Political Code.

Was read the third time and put upon its final passage.

Mr. Twomey moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 396. A bill for an act to provide for the disposal, preservation and safe keeping of the territorial exhibit of Dakota at the World's fair at New Orleans.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 14; nays 2.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Gamble, Huetson, Jones, Kennedy,

McLaughlin, Nickeus, Pettigrew, Twomey, Wagner, Washabaugh, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. LaMoure, Natwick.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, Farmer, Flittie, Richardson, Smedley, Wells.

So the bill passed and its title was agreed to.

House Bill No. 379. A bill for an act to provide a standard of weights and measures for the Territory of Dakota and for other purposes.

Was read the third time and put upon its final passage.

The roll being called, there were ayes 10; nays 7.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Duncan, Jones, Kennedy, Natwick, Pettigrew, Walsh, Mr. President.

Those who voted in the negative were.

Messrs. Gamble, Huetson, McLaughlin, Nickeus, Twomey, Washabaugh, Wells.

Absent and not voting:

Messrs. Bowdle, Farmer, Flittie, LaMoure, Richardson, Smedley, Wagner.

So the bill passed and its title was agreed to.

House Bill No. 419. A bill for an act to amend an act entitled an act to incorporate city of Bismarck.

Was read the third time.

Mr. Nickeus offered the following amendment and moved its adoption, viz:

Provided, That when it is deemed necessary to condemn private property for any such purpose the laws of the Territory of Dakota relating to the condemnation of land for railroad purposes shall apply and govern the proceedings.

Which motion prevailed.

The roll being called upon the final passage of the bill, as amended there were, ayes 12; nays 5.

Those who voted in the affirmative were:

Messrs. Bowdle, Cameron, Duncan, Flittie, Kennedy, LaMoure, Natwick, Nickeus, Twomey, Wagner, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Day, Huetsen, Jones, Pettigrew, Mr. President.

Absent and not voting:

Messrs. Austin, Farmer, Gamble, McLaughlin, Richardson, Smedley, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 280. A bill for an act to amend section 2, chapter 77, of the laws of 1881, entitled an act to amend section 9, chapter 39, Political Code.

Was read the third time.

Mr. Washabaugh moved

That further consideration of the above bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 424. A joint resolution to provide for the compensation of the Chief Clerk of the Council of the Legislative Assembly of 1874-75.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Jones, Kennedy, LaMoure, McLaughlin, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Mr. Huetsen voting in the negative.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, Natwick, Richardson, Walsh.

So the bill passed and its title was agreed to.

House Bill No. 297. A bill for an act supplementary to article and chapter 11, of the Code of Civil Procedure—Attachments.

Was read the third time.

Mr. Pettigrew moved

That further consideration of the bill be indefinitely postponed.

Which motion prevailed.

House Bill No. 40. A bill for an act concerning actions and proceedings originally brought in the Third Judicial District of Dakota Territory in counties or subdivisions

now included in the Sixth Judicial District of said Territory, and the juries decision thereof since the creation of said judicial district.

Was read the third time.

Mr. Pettigrew moved
The adoption of the substitute.

Which motion prevailed.

The roll being called there were, ayes 15; nays 4.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Gamble, Jones, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Bowdle, Huetsen, Kennedy, Twomey.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, Richardson, Smedley.

So the bill passed and its title was agreed to.

Mr. Nickeus moved
That the Council do now concur in
House amendment to
Council Bill No. 335.

Which motion prevailed.

Mr. Nickeus moved

To take up House bills in their order subject to objections.

House Bill No. 422. A bill for an act to amend the charter of the village of Egan.

Was read the second and third time and put upon its final passage.

The roll being called there were, ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Huetsen, Jones, Kennedy, LaMoure, Natwick, Nickeus, Pettigrew, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, McLaughlin, Richardson, Smedley, Wagner.

So the bill passed and its title was agreed to.

House Bill No. 426. A bill for an act authorizing the payment of certain sums to the clerks and subordinate offi-

cers of the Sixteenth Session of the Legislative Assembly of Dakota Territory.

Read the second and third time and put upon its final passage.

Mr. Nickeus moved
To amend as follows:

Provided, That this act shall apply only to such officers as had taken the oath of office prior to March 5.

Which amendment was adopted.

The roll being called upon the final passage of the bill, as amended, there were, ayes 15; nays, 3.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Gamble, Kennedy, LaMoire, Nickeus, Pettigrew, Smedley, Twomey, Wagner, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Huetsen, Jones, Washabaugh.

Absent and not voting:

Messrs. Duncan, Farmer, Flittie, McLaughlin, Natwick, Richardson.

So the bill passed and its title was agreed to.

House Bill No. 322. A bill for an act establishing a horticultural and forestry association and defining the duties of its officers.

Was read the second and third time and put upon its final passage.

The roll being called there were, ayes, 7; nays 11.

Those who voted in the affirmative were:

Messrs. Cameron, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Mr. President.

Those voting in the negative were:

Messrs. Austin, Bowdle, Duncan, Huetsen, Kennedy, LaMoire, McLaughlin, Wagner, Washabaugh, Wells, Walsh.

Absent and not voting:

Messrs. Day, Farmer, Flittie, Gamble, Jones, Smedley.

So the bill was lost.

House Bill No. 339. A bill for an act authorizing the city of Bismarck to issue bonds.

Read the second and third time and put upon its final passage.

The roll being called, there were, ayes 19; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, Jones.

So the bill passed and its title was agreed to.

House Bill No. 270. A bill for an act authorizing the city of Bismarck, Dakota Territory, to issue bonds for the purpose of retiring and refunding bonds heretofore issued for building and furnishing a school house.

Read the second and third time and put upon its final passage.

Mr. Washabaugh moved

To amend the bill as follows:

That neither the treasurer of the city of Bismarck nor any other city officer shall receive any fee or compensation from the city of Bismarck for the exchange of said bonds, and all costs and expenses of printing and issuing said bonds shall be paid by the parties to whom the same are issued in lieu of outstanding bonds.

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were, ayes 17; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Duncan, Jones, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Mr. Huetson voting in the negative.

Absent and not voting:

Messrs. Farmer, Flittie, Gamble, LaMoure, Nickeus, Twomey.

So the bill passed and its title was agreed to.

House Bill No. 421. A bill for an act entitled an act to incorporate the city of Groton, Dakota, Territory.

Was read the third time.

Mr. Pettigrew moved
To indefinitely postpone the further consideration of the
bill.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

BISMARCK, Friday, February 13, 1885.

MR. PRESIDENT:

I transmit herewith substitute for
Council Bills Nos. 14, 58, 67, 69,

Making appropriation for the maintenance of the charitable, penal and educational institutions of the Territory of Dakota and for other purposes, which the House has this day passed with amendments and your concurrence therein is respectfully requested.

C. M. REED,
Chief Clerk House.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 13, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bills Nos. 152, 249,
Substitute for

Council Bills Nos. 271, 21, 305, 286, 247, 179, 317, 307,
231, 199, 51, 304, 362, 194, 195, 168, 280, 266, 228, 189, 288
and 333.

GILBERT A. PIERCE,
Governor.

Mr. Nickeus offered the following resolution and moved its adoption :

Resolved, By the Council and House of Representatives that the President of the Council and the speaker of the House of Representatives be authorized to close the present session of the sixteenth legislative assembly by adjourning their respective houses on this, the 13th day of March, 1885, at 10 o'clock p. m.

Which motion prevailed.

House Bill No. 425. A bill for an act to amend chapter 7 of the session laws of 1883.

Was read the third time.

Mr. Jones moved

To amend as follows and moved its adoption: "That the county of Hutchinson be taken from the third district and placed in the second district, the same being inserted after the word 'Yankton,' and that one member of the House of Representatives be taken from the apportionment made by the bill to the third district making one member of the Council and three members of the House in the second district and one member of the Council and one member of the House for the third district."

Mr. Washabaugh moved

To amend the apportionment bill as follows: "Amend section 14 by striking out of said section, the following words, to wit: 'and that country west of the Missouri river and south of the 46 parrallel, not included in the above named counties.'"

Which amendments were adopted.

The roll being called upon the final passage of the bill as amended, there were, ayes, 20; nays 2.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Gamble, Huetson, Jones, Kennedy, LaMoire, McLaughlin, Natwick, Nick-eus, Pettigrew, Richardson, Smedley, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Flittie.

Absent and not voting:

Messrs. Bowdle, Wagner.

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

BISMARCK, March 13, 1885.

MR. PRESIDENT:

I am requested to announce to your honorable body that the House of Representatives has concured in the Council amendments to

Council Bill No. 329. A bill for an act to repeal section 2 of chapter 35 of the Session Laws of 1883,

And which is herewith returned.

Also,

I have the honor to transmit herewith

• Council Bill No. 345,
Which the House has passed.

Very Respectfully,

C. M. REED,
Chief Clerk House.

Mr. Smedley moved
That the Council now go into executive session.
Which motion prevailed.

EXECUTIVE SESSION.

Mr. Westover introduced report of special committee
and moved its adoption.

Which motion was adopted.

BISMARCK, March 13, 1885.

MR. PRESIDENT:

Your special committee to whom was referred the matter of the investigation of the charges against A. W. Edwards, Alexander McKenzie, W. F. Steele and L. W. Johnson, beg leave to report that the said reference came to your committee very late in the session of this Legislative Assembly, and during its most busy days and your committee have been unable to attend to the important duties involved in said reference.

Your committee therefore recommend that the records of the Council be expunged of all matters pertaining to said reference, and that the petition of A. W. Edwards be withdrawn, and they beg to be discharged from any further action in the matter.

Respectfully submitted,

J. D. WESTOVER,
Chairman.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 7, 1885.

MR. PRESIDENT:

I return herewith
Council Bill No. 178

Without approving the same. I am assured that to compel judges to grant bail in all cases where a disagreement of the jury has been reached and where the offense charged is so grave as that of murder, leaving then no alternative or discretion in the matter will not be conducive to the

safety of the people of the territory or to the speedy and proper punishment of crime.

GILBERT A. PIERCE,
Governor.

Mr. Gamble moved

To take up
Council Bill No. 178,
For consideration. Veto message of the Governor of amending section 4 and 553 of the Code of Criminal Procedure.

Which motion prevailed.

The President stated the question was shall the bill pass notwithstanding the Governor's objection.

The roll being called, there were, ayes 18; nays 3.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Flittie, Gamble, Kennedy, McLaughlin, Natwick, Pettigrew, Richardson, Smedley, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Huetson, Jones.

Absent and not voting:

Messrs. Bowdle, LaMoure, Nickeus.

So the bill passed notwithstanding the Governor's objections.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 13, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bills Nos. 290, 228, 333, 307, 231, 195, 280, 304, 194, 168, 299, 152, 249,

Substitute for
Council Bill No. 271, 305,

Substitute for
Council Bills Nos. 286, 288, 262, 266, 298, 51, 297. 331, 313 and 289.

GILBERT A. PIERCE,
Governor.

Mr. Nickeus asked

For unanimous consent to introduce a bill at this time

and have it read the first, second and third times and put upon its final passage.

There being no objection the President so ordered.

Mr. Nickeus introduced—

Council Bill No. 428. A bill for an act to supplemental to an act approved March 13, 1885, entitled an act to amend an act to incorporate the city of Bismarck, approved February 14, 1885.

Was read the first, second and third times and put upon its final passage.

Mr. Nickeus moved

To amend by striking out the word "vote" and insert in lieu thereof the word "majority."

Which motion prevailed.

The roll being called there were, ayes 21; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Duncan, Farmer, Flittie, Gamble, Huetson, Jones, Kennedy, LaMoure, McLaughlin, Natwick, Nickeus, Pettigrew, Richardson, Twomey, Wagner, Washabaugh, Wells, Walsh, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Smedley.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

That the Council proceed to consider

Substitute for

Council Bills Nos. 14, 58, 67 and 69.

Mr. Pettigrew moved

That the Council do not concur in

House amendments to the above bills, and that a committee of conference be appointed.

Which motion prevailed.

The President appointed as such committee on conference:

Messrs. Pettigrew, Austin and Gamble.

The President announced that if there was no objection the Council would take a recess until 8:30 o'clock this evening.

There being no objection, the President so ordered.

The Council reconvened at 8:30 o'clock p. m.

President Westover in the chair.

Mr. Nickeus offered the following resolution and moved its adoption:

Resolved, By the Council that this body return to the Hon. J. H. Westover its hearty and sincere thanks for the able, fair and impartial manner in which he has discharged his duties as presiding officer of this Council.

Which motion prevailed.

Mr. Day offered the following resolution and moved its adoption:

Resolved, That the Council present to their presiding officer the gavel which he has wielded with so much impartiality and good judgment.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

BISMARCK, March 13, 1885.

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 178,

Which the House has this day passed, the Governor's veto message to the contrary notwithstanding.

Also,
Council Bill No. 294,
House Bill No. 430,

Which the House has this day passed, and your concurrence therein is respectfully requested.

C. M. REED,
Chief Clerk House.

The following report was submitted at this time:

MR. PRESIDENT:

Your committee on Enrollment beg leave to report
Council Bills Nos. 289, 297, 287, 186 and 324 as correctly enrolled.

Also,
Council Bills Nos. 239, 347, 345, 335 and 294 as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

Mr. Kennedy moved

To reconsider the motion by which

House Bill No. 421

Was indefinitely postponed.

Which motion prevailed.

House Bill No. 421. A bill for an act entitled an act to incorporate the city of Groton, Dakota Territory.

Was read the third time and put upon its final passage.

The roll being called, there were, ayes 13; nays none.

Those who voted in the affirmative were:

Messrs. Bowdle, Day, Flittie, Huetson, Kennedy, LaMoure, McLaughlin, Nickeus, Twomey, Wagner, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Austin, Cameron, Duncan, Farmer, Gamble, Jones, Natwick, Pettigrew, Richardson, Smedley, Walsh.

So the bill passed and its title was agreed to.

Mr. LaMoure moved

To suspend the rules and that

House Bill No. 430

Be considered as read the first, second and third time and put upon its final passage.

Which motion prevailed.

House Bill No. 430. A bill for an act providing for compensation for V. V. Barnes and Charles Richardson for labor performed on the engrossment and enrollment of bills.

Read the first, second and third time and put upon its final passage.

The roll being called, there were, ayes 10; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Farmer, Flittie, LaMoure, McLaughlin, Nickeus, Wagner, Washabaugh, Wells, Mr. President.

Those voting in the negative were:

Messrs. Huetson, Jones, Twomey.

Absent and not voting:

Messrs. Austin, Cameron, Day, Duncan, Gamble, Kennedy, Natwick, Pettigrew, Richardson, Smedley, Walsh.

So the bill passed and its title was agreed to.

Mr. Nickeus moved

To suspend the rules and that

House Bill No. 429

Be taken up and given its first, second and third readings and put upon its final passage.

Which motion prevailed.

House Bill No. 429. A bill for an act providing for Union county to assume a portion of the indebtedness of Winona county.

Read the first, second and third time and put upon its final passage.

The roll being called, there were, ayes 11; nays 3.

Those who voted in the affirmative were:

Messrs. Bowdle, Flittie, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Wells.

Those who voted in the negative were:

Messrs. Farmer, Huetson, Natwick.

Absent and not voting:

Messrs. Austin, Cameron, Day, Duncan, Gamble, Jones, Pettigrew, Washabaugh, Walsh, Mr. President.

So the bill passed and its title was agreed to.

Mr. President and Members of the Council:

While esteeming the passage of the bill granting me certain compensation as an act of friendship, as well as a substantial expression of what I appreciate but do not deserve, I must beg of your honorable body to reconsider the vote in the Council on the passage of the bill. There is certainly no good reason for thinking that I have done even as much as any one of many others in the House; and I can not consent to receive the award generously provided in the bill. I opposed the bill in the House, and moved to reconsider, but was overcome. The expression made by the Legislature, without anything more, is more than ample return for anything I may have done.

Very respectfully,

V. V. BARNES.

Mr. Twomey moved

That the communication of Mr. Barnes be received, spread on the Journal and not complied with.

Which motion prevailed.

Mr. Jones offered the following resolution and moved its adoption:

Resolved, That the thanks of the Council are hereby tendered to Chief Clerk Howard, Assistant Eakins and enrolling clerks, sergeant-at-arms and other subordinate officers of the Council, for the faithful and willing manner in which they have performed their work during the session.

Which was adopted.

Mr. Nickeus moved

That the Committee of Conference be requested to make a report.

Which motion prevailed.

Mr. Smedley moved

That a committee be appointed to wait upon the House and Governor and inform them that the Council is about to adjourn and ascertain if there was any business to be laid before the Council.

Which motion prevailed.

The President appointed as such committee Messrs. Smedley, Washabaugh and Nickeus.

So both committees on Conference on
Council Bills Nos. ———,

Made an oral report stating that they were unable to agree with the House committee and asked to be discharged.

Mr. Gamble moved

That a new committee of Conference be appointed.

Which motion prevailed.

The President appointed as such committee Messrs. Gamble, Smedley and Huetsen.

Mr. Washabaugh moved

To suspend the rules, and that

House Bill No. 431,

Be put upon its first, second third reading and final passage.

Which motion prevailed.

House Bill No. 431. A bill for a joint resolution to provide \$200 extra for compensation of clerks.

Was read the first, second and third times and put upon its final passage.

The roll being called there were, ayes 13; nays 1.

Those who voted in the affirmative were:

Messrs. Austin, Cameron, Day, Farmer, Jones, Nickeus, Pettigrew, Richardson, Twomey, Washabaugh, Wells, Walsh, Mr. President.

Mr. Duncan voting in the negative.

Absent and not voting:

Messrs. Bowdle, Flittie, Gamble, Huetson, Kennedy, La-Moure, McLaughlin, Natwick, Smedley, Wagner,

So the bill passed and its title was agreed to.

MESSAGES FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to inform the Council that the House has instructed me to state that it has concluded its labors and is now ready to adjourn without date.

C. M. REED,
Chief Clerk House.

EXECUTIVE COMMUNICATIONS.

EXECUTIVE OFFICE, BISMARCK, March 13, 1885.

MR. PRESIDENT:

I have the honor to inform the Council that I have approved

Council Bills Nos. 204, 336, 318, 285, 311, 343, 315, 334, 203, 321, 287, 316, 240, 308, 325, 296, 295, 130, 330, 303, 326, 327, 342, 140, 257, 265, 181, 218, 309, 174, 283, 339, 347,

Substitute for

Council Bills Nos. 320, 329, 345, 298, 210, 139, 294, 346, 344.

Also,

Have approved

Council Bills Nos. 323, 235, 244, 341.

GILBERT A. PIERCE,
Governor.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 432,

Which the House has this day passed, and your concurrence therein is requested.

Also,

House Bill No. 431,

Which the House has passed, and your concurrence is requested.

Also,

I have the honor to inform the Council that the House has adopted the report of the committee on conference and accepted the amendments proposed by said committee.

C. M. REED,
Chief Clerk House.

Mr. Jones moved

To suspend the rules and that
House Bill No. 432

Be given its first and second readings and referred

Be given its first, second and third readings and put upon its final passage.

Messrs. Bowdle and Duncan objecting, the bill was not considered.

Mr. Smedley moved

To suspend the rules and that
House Bill No. 432

to the committee on Territorial Affairs.

Which motion prevailed.

House Bill No. 432

Read the first and second time and referred to the committee on Territorial Affairs.

Mr. Gamble, chairman of the committee on Conference, made a majority report with sundry amendments to Council Bills Nos. 14, 58, 67 and 69.

Mr. Walsh moved

That the report of the Conference Committee be adopted.

Ayes and nays called for.

The roll being called there were, ayes 15; nays 8.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Day, Duncan, Flittie, Gamble, Kennedy, LaMoure, McLaughlin, Nickeus, Richardson, Smedley, Twomey, Wagner, Walsh.

Those who voted in the negative were:

Messrs. Cameron, Farmer, Huetson, Jones, Pettigrew, Washabaugh, Wells, Mr. President.

Absent and not voting :

Mr. Natwick.

So the report was adopted.

Mr. Jones moved

To suspend the rules and that the committee on Territorial Affairs be allowed to make a report.

Which motion prevailed.

MR. PRESIDENT:

A majority of your committee upon Territorial Affairs have had

House Bill No. 432

Under advisement and report the same back with recommendations that it do pass.

GEORGE R. FARMER,
Chairman.

Mr. Jones moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Jones moved

To suspend the rules and that

House Bill No. 432

Be put upon its third reading and final passage.

Which motion prevailed.

House Bill No. 432. A bill for an act to provide for the maintenance of the public affairs of the territory.

Was read the third time and put upon its final passage.

The roll being called there were, ayes, 14; nays 6.

Those who voted in the affirmative were:

Messrs. Austin, Bowdle, Cameron, Day, Farmer, Jones, LaMoure, McLaughlin, Natwick, Richardson, Smedley, Twomey, Wagner, Mr. President.

Those who voted in the negative were:

Messrs. Duncan, Flittie, Huetsen, Kennedy, Pettigrew, Wells.

Absent and not voting:

Messrs. Gamble, Nickeus, Washabaugh, Walsh.

So the bill passed and its title was agreed to.

The following report was submitted at this time:

MR. PRESIDENT:

Your committee on Engrossment and Enrollment to whom was referred substitute for

Council Bills Nos. 14, 58, 67 and 69,

Beg leave to report the same back as correctly enrolled.

CHAS. RICHARDSON,
Chairman.

Mr. Jones moved

A committee of three be appointed to inform the Governor that the Council is ready to adjourn and inquire if he has further business.

Messrs. Jones, Nickeus and Wells were appointed such committee.

Mr. Walsh introduced the following resolution:

Resolved, That the chief clerk be and is hereby instructed to inform the House that the Council will be ready to adjourn *sine die* in ten minutes.

The Governor reported that he had signed substitute for Council Bills Nos. 14, 57, 67 and 69.

The committee appointed to inform the Governor that the Council was ready to adjourn reported that they had waited upon His Excellency, and that he had no further communications for the Council.

On motion of Mr. Nickeus the Council did then adjourn *sine die*.

A. W. HOWARD,
Chief Clerk.

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2	To regulate elevators and the weighing and inspection of grain.....	Mr. Walsh					255, 274 304, 325 459, 476
3	To amend sec. 62, chap. 2 of Civil Code	Mr. Flittle.....					262
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16	Exempting volunteer firemen from jury service, etc.....	Mr. Walsh.....			262.....	284, 505 547	
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18	Providing for the erection of court house in Brookings county.....	Mr. Natwick.....	8.....	57.....		148 56, 96 118	
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20	To amend sec. 324, chap. 13 of the Civil Code.....	Mr. Day.....					277
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22	Repealing chap. 427 of Penal Code.....	Mr. Bowdle.....				194, 252 272, 580	
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24	To relocate the capital of Dakota.....	Mr. Kennedy.....				8, 23, 25 98	
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46	To repeal chap. 8 of Session Laws of 1883..	Mr. Natwick	7	12			
47	To amend chap. 1 of Laws of 1881, entitled Auditors.....	Mr. Austin	7	12	112	66, 74	106
48	To amend laws relating to Civil Townships	Mr. Day	7	12			
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57	Establishing a school of mines	Mr. Wells	11	18		453	67, 75 79, 373 378, 425
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80	To amend sec. 7, chap. 39 of Civil Code	Mr. LaMoure	39	61	304		254, 293
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328	To legalize acts of commissioners of Spink Co	Mr. McLaughlin...	466		512	603	498, 575
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221	Extending time of paying taxes at Groton.	251, 311		358	301
222	Resolution in relation to Wahpeton reservation.	343	353	484	462
223	Relating to struck juries.	343	353	557	568
224	Relating to Lenham Elevator Co.	401	402	488	389, 460
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229	To incorporate Parker.	429	432	479	459
230	To incorporate Bridgewater.	429	550	575	547, 554
232	To change the name of Logan Tp.	432	432	487	446, 552
234	To fund the indebtedness of Plankinton.	343	364	369	361
235	To amend chap. 75 of the Laws of 1883.	480	480	549	474
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252	Authorizing board of county commissioners to fund indebtedness.	344	354	391	374
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270	Authorizing Bismarck to issue school bonds.....	584		593	582
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289	To establish independent school district of Bridgwater.....	513	514	569	503, 554
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323	To establish independent school district of Hutchinson county.	513	514		503
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327	Providing for indebtedness of Marion school township.	481	481	522	498, 474
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337	To establish independent school district of Flandreau	482	482	531	474, 498
338	To authorize the commissioners of Nelson county to fund indebtedness	431	431	487	446
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347	Amending chapter 10 of Political Code.....	483....	482....	548....
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358	To change the name of Blaine Tp.....	429....	430....	403, 459
359	To amend sec. 107 of Civil Code.....	542....	542....	570....	533, 552
360	To change the name of Victoria to Coal Harbor.....	429....	429....	490....	421, 459
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364	Creating the county of Adams.....	451....	451....	451....	439
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