

DAKOTA'S LEGISLATURE.

The Press and Dakotian's Report of the Proceedings of the Council and House of Representatives.

Fourteenth Session—51st and 52d Days.

Council.

AFTERNOON SESSION.

Wednesday, March 2.—The council met at 2 p. m., the president in the chair and all members present.

HOUSE FILES.

House file 209, to provide for the payment of taxes and granting the right and power to use highways and roads to telegraph companies, was read a third time and passed.

RE-CONSIDERED.

On motion of Mr. Scobey, the vote by which council bill 160, fixing the salary of the superintendent of public instruction, passed yesterday, was reconsidered.

Mr. Scobey then moved that the bill be taken up for consideration and passage, pending which a

CALL OF THE HOUSE

was ordered, the roll call showing that Messrs. Gamble and Wilson were absent. The doors were locked and the sergeant-at-arms directed to bring in the absentees. Upon the appearance of the absentees, the call was suspended.

Council bill 163, was then put upon its final passage and was lost by the following vote:

Ayes—Messrs. Day, Fisher, Gamble, Wallace, Wiggin and Wilson—6.

Noes—Messrs. Jolley, Martin, Scobey, Shaw and Walsh of Union, and Mr. President—6.

Messrs. Fisher, Gamble and Wilson were appointed a conference committee on the disagreement of the two houses on house file 203, providing costs in civil cases.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of a resolution authorizing Charles Collins to represent Dakota territory in Ireland; and that the house had refused to concur in council amendments to house file 203, and had appointed as a conference committee thereon Messrs. Dickey, Cross and French.

The resolution authorizing Charles Collins to represent Dakota territory in Ireland, was taken up and passed under a suspension of the rules.

House file 187, to amend sections 17 and 18 of chapter 14 of the laws of 1879, was taken up and passed.

MESSAGE FROM THE GOVERNOR.

The governor transmitted to the council a special sealed message for the consideration of the council in executive session.

EXECUTIVE SESSION.

The council then went into executive session on the sealed message from the governor.

RESOLUTION RESCINDED.

After the conclusion of the executive session, Mr. Wilson moved to reconsider the vote by which the resolution passed fixing the time of adjournment at 8:30 o'clock on Friday morning, which motion was adopted—ayes 7, noes 5.

MESSAGE FROM THE HOUSE.

A message was received from the house informing the council that the house had refused to concur in council amendments to house file 164, the board of health bill, and had appointed as a conference committee Messrs. Warner, Boyles, and Thorne; that the house had passed house file 237, to establish the office of justice of the peace in the village of Dell Rapids; and that the house had failed to pass over the governor's veto, council bill 114, to amend section 567 of the civil code.

On motion the rules were suspended and house file 237 passed.

Messrs. Martin, Wallace and Scobey were appointed a committee of conference on the disagreement of the two houses on house file 164.

CONFERENCE REPORT.

Mr. Wilson, from the committee on conference, on council bill 151, relating to mechanics' liens, reported, recommending that the council recede from its amendments.

On motion, the report of the committee was adopted.

ADJOURNMENT.

On motion of Mr. Shaw, the council adjourned until ten o'clock to-morrow morning.

Council.

Thursday, February 25.—The council met at 10 a. m., the president in the chair. Members all present.

Prayer by the chaplain. Reading of the minutes dispensed with.

COMMITTEE REPORTS.

Mr. Wiggin, from the committee on agriculture, to which was referred the governor's message in regard to furnishing statistics in regard to the resources of the territory, submitted a report recommending the appointment of a committee of three to act with a like committee on the part of the house to prepare a bill creating a board of immigration.

Mr. Day moved to lay the report on the table.

Mr. Shaw supported the motion on the ground that the territory had already made liberal appropriations for advertising the territory, and that if the appropriation of money was not stopped, the treasury would soon be as dry as a woodpecker's hole.

Other members favored an appropriation of one or two hundred dollars for the payment of postage and the preparation of statistics.

Finally a motion was adopted recommending the matter to the agricultural committee, with instructions to report a bill or joint resolution, appropriating one hundred dollars to carry out the recommendations of the governor.

Mr. Scobey from the committee on education, reported back and recommended the passage of council bill 105, providing for compulsory education.

Mr. Jolley, from the committee on insurance, banks and banking, reported without recommendation house file 104, regulating insurance companies and the business of insurance.

Also, that he had presented to the governor council bill 167, to create the county of Martin.

Mr. Martin, from the committee of conference on house file 164 to create a board of health, recommended the correction of a clerical error, which was done, thus removing the cause of disagreement between the two houses.

MESSAGE FROM THE HOUSE.

A message was received from the house asking the council to concur in a joint resolution requesting the governor to return to the house for amendment and correction house files 118, 189 and 195, also that the house had passed council bill 127, to amend section 94 of the code of civil procedure.

MESSAGE FROM THE GOVERNOR.

A special sealed message was received from the governor for the consideration of the council in executive session; also announcing the approval of the following council bills:

No. 10, an act to authorize the board of county commissioners of the county of Kingsbury to issue bonds for the erection and construction of a court house and jail for the use of said county.

No. 53, an act amending section 65 of the civil code.

No. 66, an act defining the jurisdiction of township justices of the peace.

No. 87, an act to amend section 60 of the civil code.

No. 109, an act to amend section 3 of chapter 39 of the political code.

No. 130, an act providing for the erection and construction of a court house and jail for the county of Hughes.

No. 133, an act to amend section 452 of the civil code.

No. 162, an act supplemental to council bill 150, being an act to provide a new charter for the city of Fargo, passed the legislative assembly of 1881.

COMMITTEE OF THE WHOLE.

On motion of Mr. Scobey, the council went into committee of the whole, Mr. Scobey in the chair, for consideration of house file 104, relating to insurance.

After some time spent in the consideration of the bill the committee rose, reported progress and asked leave to sit again, which report was adopted.

RECESS.

After a short executive session, the council took a recess until 2 o'clock p. m.

House.

AFTERNOON SESSION.

Wednesday, March 2.—The house convened at 2 o'clock p. m.

INVITING IMMIGRATION.

Mr. Inman introduced a joint resolution inviting the suffering people of Ireland to locate in Dakota and recognizing Charles Collins as a person well qualified to describe to them the advantages of the territory and give them all the information they may require.

Under a suspension of the rules, the resolution had its several readings and was passed twelve to three.

SPECIAL ORDER.

House file 164, providing a board of medical examiners and regulating the practice of medicine in Dakota, came up as the special order at three o'clock p. m. the council amendments thereto being the subject of consideration.

A conference committee of three was finally appointed to confer with a like committee of the council for the purpose of making corrections in the amendments.

A BILL INTRODUCED.

By unanimous consent Mr. Thorne introduced house file 237, to establish the office of Justice of the peace in the village of Dell Rapids.

Under a suspension of the rules, the bill had its several readings and was passed.

COUNCIL MESSAGE.

A message was received from the council, announcing the passage of house files 209 and 207, and the house joint resolution, authorizing Charles Collins to represent Dakota in Ireland.

House.

Tuesday, March 3.—The house convened at ten o'clock a. m., and was opened with prayer by the chaplain.

Mr. Speaker in the chair and a quorum present.

The journal of the preceding session was read and approved.

Mr. Inman presented a concurrent resolution asking the governor to return for correction house file 195.

Mr. Speaker presented a concurrent resolution asking the governor to return for correction house file 195.

The two resolutions were adopted.

COMMITTEE REPORTS.

Mr. Warner, from the conference committee on house file 164, reported a recommendation that the house concur in the council amendments to the bill.

A resolution was adopted requesting the governor to return for correction house file 189.

MESSAGES FROM THE GOVERNOR.

A message was received last night from the governor and was read. It announces his approval of:

House file 14, providing for the registry of voters and the prosecution of fraudulent voting.

House file 67, to amend section 140, chapter six of the political code.

House file 125, providing additional compensation to the territorial auditor.

House file 129, to amend section 12, chapter 27 of the political code, relating to the form of ballot.

House file 149, creating a board of commissioners for the international exhibition of 1883.

House file 167, concerning the boundaries of Hanson and Davison counties.

House file 179, to legalize the assessment of Trail county.

House file 196, to amend sections three, twenty-nine and thirty-six of chapter twenty-seven of the political code.

A message from the governor was received at 11:30 a. m., announcing his disapproval of house file 206, to grant to the people of the counties of Grand Forks, Walsh and Pembina counties the right to vote aid to railroads. The following is the governor's message on the subject:

TERRITORY OF DAKOTA, EXECUTIVE OFFICE,
YANKTON, March 8, 1881.

To the House of Representatives of the Territory of Dakota:

I return herewith to the house of representatives bill No. 206 entitled "An act granting to the people of the counties of Grand Forks, Walsh and Pembina in Dakota the right to vote aid to railroads," without my approval and signature and with my objections thereto:

Section one provides that the people of these counties shall be authorized to vote aid to railroads either in donations of money or in county bonds to an unlimited amount.

Section two provides that the same privilege shall be extended to every town, city or village corporation within such counties.

It will be seen that an "special privilege" is granted to the beforenamed counties not granted to the other counties in the territory, which according to the organic act, is an assumption of power not conferred.

The same objection also applies to the proposition allowing towns, cities and villages to load themselves with a bonded indebtedness and renders the proposed legislation highly objectionable.

The bill attempts to authorize the issuing of bonds by the county of Walsh which is not yet created and it is very doubtful if it ever will be, as the question has yet to be determined by a vote of the electors residing within the proposed county of Walsh.

The bill assumes that it is necessary to tax the people heavily in those counties and plunge them still further in debt in order to secure necessary railroad facilities, whereas the experience of the people of this territory during the past two years shows that railroads have been extended in nearly every portion of this territory far in advance of the settlements, without aid from the government, territory, counties or towns; and I apprehend that any authority to bond these counties will retard their prosperity, rather than increase it. Yankton county, now loaded with a bonded indebtedness amounting to more than a quarter of a million dollars, is a striking example of the wildness to which the people may sometimes be worked up by parties interested in building up new towns through the extension of railroads, and where a combination could easily be formed through the extraordinary power sought to be granted in this bill, extending over these large counties, a rate might be secured which would end in total bankruptcy in all the large towns embraced within the limits named.

The legislative assembly has already authorized, at its present session, the issuing and funding, in various forms, about one hundred and twenty-five thousand dollars in bonds within the limits of the counties of Grand Forks and Pembina, which would seem to be as heavy a load as the tax-payers would be able to carry during the next two years.

I am therefore firmly convinced that if the legislative assembly had the authority to authorize the issuing of the unlimited number of bonds provided for in this bill, but which I am quite clear it has not, the measure would be an extreme hardship upon the poor but industrious people who have gone to these new counties to build up homes for themselves and those who are to come after them.

I shall therefore, while assenting to the authorization of bonds for county buildings when voted by a majority of the people, earnestly interpose my objections to all schemes for loading the towns, counties and cities with bonds for the extension of railroads, and especially while numerous large railroad companies are competing for the privilege of building these lines under the present general railroad law without aid or subsidies.

N. G. ORDWAY,
Governor.

The question being on the passage of the bill, the veto of the governor to the contrary notwithstanding, the vote resulted: Ayes—Boyles, Dickey, Hale, Kennedy and McBratney; noes—Haynes, Cross, French, Inman, Moore, Nomland, Rohr, Thielman, Thompson, Thorne, Van Osdel, Warner, Wells and Mr. Speaker. And the veto was sustained.

RECESS.

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

House.

AFTERNOON SESSION.

The house re-convened at two o'clock p. m.

A BILL INTRODUCED.

Mr. Warner, by unanimous consent, introduced a bill authorizing the issue of bonds for the construction of a school house in district number one, Hughes county. Under a suspension of the rules, the bill had its several readings and passed.

A WITHDRAWAL RESOLUTION.

Mr. Cross introduced a concurrent resolution asking for the withdrawal for correction of house file 184. The resolution was adopted.

A CAPITAL MOVER.

Mr. Dickey asked unanimous consent to introduce a bill. Mr. Boyles and Mr. French had just previously been drawn into the cloak room by a lobbying squad from the council and there was no one present to whom it occurred to interpose an objection. Just as the bill had been sent to the clerk's table Mr. French returned from the cloak room and learning that a new bill was on deck interposed an objection. Mr. Van Osdel also called attention to the fact that he had previously objected. The clerk just then began to read the title and it was announced that it was a bill to change the seat of government of the territory of Dakota. Great confusion here prevailed and the speaker decided that Mr. Van Osdel's objections was valid and Mr. Dickey appealed from the ruling of the speaker. Pending the general confusion which ensued the house took a recess, the speaker stating that it was taken for the purpose of giving the members an opportunity to read the bill just introduced. During the recess the bill disappeared and next turned up in the council.

The bill was concocted and introduced as a grim joke upon the Yankton delegation and it had been previously arranged to secure the momentary absence of Messrs. French and Boyles, a number of members gathered around Mr. Van Osdel and held his attention while the measure was introduced. He was subsequently induced to buy a box of

cigars with which to make it apparent to the house that he had objected.

AFTER RECESS.

Business of a desultory nature was resumed and finally a

COUNCIL MESSAGE.

was announced. It informed the house that the council had passed house files 188 and 172, the latter with amendments.