



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-Fifth Day, Council.

Council convened at 10 a. m., Mr. president in the chair.

Prayer by the chaplain.

Roll call showed all the members in their seats except Messrs. Jerauld and Walsh.

Journal read and approved.

HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of house file 24.

NOTICES OF BILLS.

By Mr. Burdick—an act to provide for permanent improvements and running expenses of the university of Dakota.

Mr. Donaldson—an act to incorporate the city of Redfield.

SECOND READING.

The following council bills were then given their second reading and referred to committees as indicated:

Fifty-four—to regulate marriage and provide for the keeping of a record of marriages—committee on territorial affairs.

Fifty-five—to amend the act establishing the independent school district of Grand Forks.

Fifty-six—to amend section 417 of the code of civil procedure. Provides that depositions may be taken in the territory before a judge or clerk, of supreme court, clerk of district court, justice of the peace, notary public, court commissioner or other party properly empowered.

Fifty-seven—to provide for the funding of the indebtedness of Davison county.

The order of first reading was reverted to and council bill fifty-eight given its first reading. It provides for the adjustment of the indebtedness of newly organized counties.

HOUSE FILES.

House file forty-four was given its first reading.

SECOND READING.

The following house files were then given their second reading and referred to committees as indicated:

Forty-seven—Committee on railroads.

Forty-eight—Committee on judiciary.

Forty-nine—Committee on appropriations.

Forty—Committee on judiciary.

By consent Mr. Niekens introduced council bill fifty-nine. A bill to provide for the compensation of Frank J. Meade for extra services performed after the adjournment of the 14th legislative assembly.

Mr. Donaldson moved that the vote by which council bill twenty-six had been lost be reconsidered. Carried.

Mr. Donaldson moved it be put upon its passage. Carried.

The bill amends section 46, chapter 21 of the political code, and provides for an appeal from the board of county commissioners by the district attorney.

On its passage all voted aye except Mr. Dewey, who voted nay.

COMMITTEE OF THE WHOLE.

At 10:20 the council went into committee of the whole to consider the reports of committees, Mr. Niekens in the chair.

At 11:05 the committee arose to report. The report was as follows:

House file forty-two—committee on judiciary recommend its passage.

Council bill fifty-two—judiciary committee report adversely to it, but the committee of the whole recommend its passage.

Council bill thirteen—conference committee, report that they have agreed to send it back to the house and ask them to repeal their amendment.

Mr. Roberts, by consent, introduced two bills.

Sixty—to amend the general laws of 1881; so as to make telephone companies pay taxes the same as telegraph companies and to allow them the use of the public highways.

Sixty-one—to amend section 1, chapter 86 of the laws, exempting members of regularly organized fire companies from serving on juries.

Mr. Scooby—sixty-two—to punish persons selling drugged intoxicants.

RECESS.

At 11:15 the council took a recess of thirty minutes.

At 11:45 the council was called to order.

By consent Mr. Dewey introduced three bills.

Sixty-three—for the relief of W. S. Goodwin and Truman L. Pratt, builders of the insane asylum. The bill provides for an appropriation of \$2,000 to protect them from loss.

Sixty-four—to provide for the building of the west wing of the insane asylum.

Sixty-five—to provide for the maintenance of the insane hospital for the ensuing two years.

Sixty-six—to revise article eleven of the civil code. In relation to insurance.

Sixty-seven—to provide for the construction of the agricultural college at Brookings.

COMMITTEE REPORTS.

Mr. Donaldson, from the committee on engrossed and enrolled bills, reported council bills twelve and thirty-eight properly enrolled.

ADJOURNMENT.

At 11:55 the council adjourned to ten o'clock to-morrow morning.

HOUSE.

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

Prayer by the chaplain.

Roll call showed all the members in their seats.

Journal read and approved.

COMMITTEE REPORTS.

Mr. Sterling, from the judiciary committee, reported council bill 84—to auth-

orize Jacob Brauch, as administrator, to sell real estate—with a recommendation that it pass.

Mr. Wagner, from the committee on territorial affairs, reported council bill 22—giving permission for the sale of liquor in unorganized counties—with amendments and a recommendation that it pass.

Mr. McCallister, from the committee on education, reported house file 53—establishing a normal school at Spearfish, Lawrence county—with a recommendation that it pass.

Mr. Nelson, from the elections committee, submitted a report in the contested election case from the seventh legislative district. The report stated that the committee had heard all the testimony on both sides and as the result of the protracted investigation they had found that the contestants, Wm. H. Lamb and Frank P. Phillips, had received a majority of all the votes cast in the district, and in their opinion said Lamb and Phillips were entitled to seats in the house and Messrs. Hauser and Schafer were not entitled to seats in the house. The committee recommended that Messrs. Lamb and Phillips be sworn in and given their seats in the house.

An arm full of papers was sent up to the clerk's desk with the report.

Mr. Nowlin, from the special committee on conference, to consider house amendments to council bill thirteen, recommended that the house recede from its amendments. The bill relates to an increase in the maximum number of grand jurors.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 11—to amend the incorporation act of the city of Grand Forks; also, council bill 17—relating to service of summons in justice courts; also council bill 18—relating to service of summons in district courts; also council bill 27—defining the boundaries of Foster county; also council bill 45—joint resolution authorizing the printing of the reports of auditor and treasurer; also that the council refused to pass house file 28—providing exemption from taxation as an inducement to cultivate timber.

THE OUTS AND INS.

Mr. Rice moved that the report of the elections committee, relative to the contested seats from the seventh district, be accepted and adopted and that the oath be administered to Messrs. Lamb and Phillips, and that they take their seats in the house. Motion adopted.

Messrs. Lamb and Phillips then came forward and were sworn by the speaker.

Mr. Lamb took Mr. Schafer's seat and Mr. Phillips Mr. Hauser's seat, the defeated parties quietly vacating in favor of the victors.

ADMISSION AND DIVISION.

Mr. Benson introduced a resolution reciting that Dakota contained sufficient population to entitle it to admission and instructing the committee on territorial affairs to consider whether or not it would be best to ask congress to now ad-

mit the territory as a whole and reserve to the state of Dakota the right to create one or more states out of the territory, if it should hereafter elect, the committee to report as soon as possible.

The resolution was lost.

BILLS INTRODUCED.

By Mr. Bowman—House file 60—to amend section 28, chapter 28 of the political code—providing for appeals to district courts from the decisions of boards of equalization.

By Mr. Robinson—House file 61—relating to increased facilities for trials in certain cases.

By Mr. Thompson—House file 62—to amend chapter 59 of the laws of 1879—making boards of township supervisors boards of equalization.

COUNCIL BILLS.

Council bills, 16, 45, 27, 18, 17, 42 and 35 had their first reading.

Council bill 22—to grant liquor licences in unorganized counties—amended in committee—was passed, Mr. Pyatt voting in the negative, Mr. Towner not voting and all the rest voting in the affirmative.

Council bill 31—reported favorably from judiciary committee—was passed by unanimous vote.

HOUSE BILLS.

House file 58—authorizing the commissioners of Morton county to issue bonds—was referred to the committee on counties, towns and cities.

House file 39—to legalize acts of a secular nature on holidays—was referred to the committee on judiciary.

House file 53—establishing a normal school at Spearfish, Lawrence county—was passed by unanimous vote.

SCATTERING.

The report of the committee of conference, recommending that the house recede from its amendments to council bill 13, was taken up.

Mr. Bowman moved that further consideration of the report be postponed. Lost.

The report of the committee was then rejected.

The speaker announced that he had assigned Mr. Lamb to the positions on committee occupied by Mr. Hauser and Mr. Phillips to places occupied by Mr. Schafer.

Mr. Bowman presented a motion so changing the rules that bills will be read at length on their third instead of their second reading. Referred to the committee on rules.

Mr. Tychsen was excused from attendance until Tuesday.

ADJOURNMENT.

The house, at 11:50 a. m., adjourned to ten o'clock Saturday morning.

Session Notes.

The chief event of to-day in the house was the admission of Messrs. Lamb and Phillips, contestants for the seats of Messrs. Hauser and Schafer, from the seventh legislative district, consisting of the counties of Hamlin, Deuel, Grant, Codington, Clark, Spink, Day, Brown and several unorganized counties. This contest has brought out a vast amount of testimony and the elections committee

has had a busy time wading through it since the opening of the session. The case was decided upon its merits, it being clearly proven that the contestants received a legal majority of all the votes cast in the district. The gentlemen who have occupied the seats during the past twenty-four days had the most convincing *prima facie* case and were therefore placed upon the house roll. They were armed with certificates from a majority of the canvassing board. But the investigation has shown that they were not entitled to such certificates and the duly elected members have come into possession of their rights. Gamble Brothers were attorneys for the contestants and Bartlett Tripp and I. E. West for the other parties.

The following is the bill introduced by Mr. Walsh, of Grand Forks, providing for the removal of the capital:

Be it enacted by the legislative assembly of the territory of Dakota:

Section 1. That on or after the final adjournment of the fifteenth session of the legislative assembly of the territory of Dakota, being on and after the ninth day of March, A. D. 1883, the seat of government of said territory of Dakota, shall be and the same is hereby located and established within the defined limits, or within two miles thereof, of the city of Huron, in the county of Bendle and territory of Dakota.

Sec. 2. That on or after the said ninth day of March, A. D. 1883, or as soon thereafter as practicable, not to exceed sixty days therefrom, it shall be the duty of the several territorial officers who are compelled by law or otherwise to reside at the seat of government of the territory, to make the necessary preparations for the removal of all papers, books, records and other movable property, other than buildings belonging to and being the property of said territory, in their possession or under their control, and shall move the same upon the order of the governor.

Sec. 3. That Americus B. Melville, of Huron, M. W. Scott of Grand Forks, and ——— Dow of Yankton, are hereby appointed a commission for the purpose of and it is hereby made their duty to select a tract of land at some point within the scope of territory provided for and mentioned in section one of this act, of not less than twenty acres in area, lying in one body, to secure a deed in fee simple to the territory of Dakota; to provide for the renting of a suitable building or buildings, room or rooms for the temporary convenience of the several territorial officers, for the storage of territorial property, until such time as a permanent building or buildings shall have been provided for upon the territorial grounds as selected by said committee. When said committees shall have completed the labors for which they were appointed, they shall make and deliver to the governor of the territory a written report of all of their official transactions, together with all deeds, contracts and other papers that shall come into their possession as such committee. The said committee shall be allowed the sum of five dollars per day for the time actually employed as such committees and ten cents per mile for each and every mile actually travelled for the same, the same to be audited and allowed as other claims against the territory, upon an order signed by the governor.

Sec. 4. Upon the filing of the report of the committee and the turning over of all papers, deeds, contracts, etc., by said committee by the governor, then the governor shall forthwith order the

several territorial officers to remove their said offices, books, records, papers, etc., in their possession and under their control to the places provided for by said committee, and shall also issue his proclamation reciting the fact of the removal of all territorial property movable, from Yankton to Huron, as provided in this act; and from that time all business of the territory, usually transacted at the seat of government, shall be transacted at said city of Huron. The governor will also issue to each of said commissioners an order for the amount of per diem and mileage due them; and he is further authorized to make such rules and regulations for the faithful, economical and speedy compliance of this act.

Sec. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Mr. Dewey this morning introduced two bills in regard to the hospital for insane. Sixty-six provides for appropriations as follows: For maintenance of patients, board of officers, etc, \$24,450; wages of employees, \$12,300; fuel and lights, \$4,000; incidentals, \$1,500; medicines, books and amusements, \$2,500; repair and improvements, \$2,500; improvement of farm, \$3,000; improvement of grounds, \$1,000. Total, \$51,250.

Sixty-four provides for: Erecting a wing of the same size as that of the one built, \$25,000; finishing the main building, \$3,000; steam heating apparatus and machinery for kitchen and laundry, \$15,000; for building engine house \$6,000; building kitchen, library, laundry chapel and shops, \$10,000; steam engine, pumps, etc., \$2,500; putting in steam heating apparatus \$1,150; putting in gas machine and fixtures, \$4,500; building barn, \$4,000; artesian well, \$1,300. Bonds are to be issued to the amount of \$77,500, due in twenty years, with the privilege of paying them any time after five years. Interest at five per cent per annum.

The council committee on elections has not yet reported on the seventh district contest case in the council, but the intimation is that when it does report the conclusion will be favorable to Donaldson, the sitting member. Elias McCauley is the contestant.

Mr. Scobey this morning introduced a bill to provide for the issuing of \$30,000 of bonds, the funds derived from the sale of which are to be used in constructing the territorial agricultural college at Brookings. The bonds are to run 20 years the territory having the option of paying them any time after ten years. The rate of interest is five per cent.

Mr. Scobey introduced a bill to punish any person selling drugged intoxicants with a fine of not over \$500, or imprisonment in the penitentiary not over two years.