

**DAKOTA'S LEGISLATURE.**

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

Fifteenth Session—Twenty-Seventh Day.

**Council.**

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

Prayer by James F. Dolliver. The roll-call showed all members in their seats except Mr. Walsh.

Journal of Saturday read and approved.

**HOUSE MESSAGE.**

A message was received from the house announcing the passage by that body of council bills 23 and 20, also house file 52, to provide for the taxation of express companies similar to that of railroad companies, and asking the concurrence of the council therein. Also announcing a refusal to pass council bill number 32.

**NOTICES OF BILLS.**

Mr. McIntosh gave notice of a bill to provide for the erection of a jail for the county of Hughes.

Mr. Washabaugh gave notice of a bill to provide for the erection of a territorial normal school at Spearfish, D. T.

**INTRODUCTION OF BILLS.**

The following bills were introduced and given their first reading:

By Mr. Jerauld—Council bill No. 74—for an act authorizing the treasurer of Lincoln county to collect school taxes voted by school districts Nos. 55 and 71 of that county at the annual meeting in 1882.

By Mr. Jackson—Council bill 75—for an act making appropriation for the current and contingent expenses of the territorial penitentiary.

By Mr. Jackson—Council bill 76—for an act authorizing the issue of bonds for the purpose of making permanent improvements in the territorial penitentiary and to purchase and lease additional land for a stone quarry.

By Mr. Jerauld—Council bill 77—being a memorial to congress to set aside a part of the public domain for the use of the territory of Dakota.

By Mr. Donaldson—Council bill 78—to incorporate the city of Redfield, D. T.

By Mr. Nickens—council bill 79—an act providing for the erection and construction of a court house and jail for the county of Kidder.

By Nickens—council bill 80—authorizing school district No. 1, in Kidder county, to issue bonds for building a school house.

**SECOND READING OF COUNCIL BILLS.**

The following bills were given their second readings and referred to their respective committees.

No. 58—to adjust the indebtedness of newly organized counties—referred to appropriation committee.

No. 60—to provide for taxing telephone

companies and giving them certain franchises—referred to judiciary committee.

No. 64—to provide for the erection of the west wing of the insane asylum—referred to appropriation committee.

No. 66—providing for appropriation for finishing hospital for insane—referred to appropriation committee.

No. 67—to provide for an agricultural college at Brookings—referred to committee on appropriations.

No. 68—providing normal school for Springfield—referred to committee on appropriations.

No. 69—providing for special election on county seat question in Grant county—referred to judiciary committee.

No. 70—providing for publication of tax sales—referred to committee on public printing.

No. 71—committee on appropriations.

No. 72—committee on public buildings.

No. 73—committee on judiciary.

**THIRD READING OF COUNCIL BILLS.**

Council bill 56—providing for the amendment of section 471 of the code of civil procedure was read the third time and passed by a unanimous vote.

**FIRST READING OF HOUSE FILES.**

House file No. 52, providing for taxation of express companies similar to that of railroad companies, was read the first time.

**SECOND READING OF HOUSE FILES.**

House file 53, to endow and establish a territorial normal school, was referred to committee on mines and minerals.

**THIRD READING OF HOUSE FILES.**

House file No. 35, to amend section 648 of the civil code, relating to the recording of transfers, was recommitted to the committee on judiciary.

House file No. 40, to legalize records when the record shows no seal, was read the third time and was lost by the following vote:

Voting aye—None.

Voting nay—Burdick, Donaldson, Dewey, Jackson, Jerauld, McIntosh, Nickens, Roberts, Washabaugh, Ziebach and Mr. President.

**NOTICE OF BILLS.**

Under a suspension of rules Mr. Roberts gave notice of a bill to provide for the erection of a territorial penitentiary at Fargo.

Mr. Donaldson, from the committee on enrolled and engrossed bills, reported that council bills 6, 9, 12, 18 and 4 had been delivered to the governor. Report adopted.

**A MESSAGE FROM THE HOUSE.**

On motion the house message of Saturday was considered and the council concurred in the house amendment to council bill No. 22—providing that county commissioners may grant licenses to sell intoxicating liquors in unorganized territory attached to their county for judicial or other purposes.

**COMMITTEE OF THE WHOLE.**

The council then went into committee of the whole, with Mr. Jerauld in the chair.

On rising it reported the council do adopt the report of the committee on council bill No. 49, incorporat-

ing the city of Sioux Falls. The rules were suspended and the bill passed as amended, all voting in the affirmative.

A message having been received from the house asking the return of council bill No. 33, the request was granted.

On motion of Mr. Jackson the rules were suspended and council bill No. 75, providing for an appropriation for the territorial penitentiary was read a second time.

Mr. Jackson moved that it be referred to the committee on charitable and penal institutions.

Mr. Roberts moved that it be referred to the committee on appropriations.

A rising vote being taken Mr. Roberts' motion prevailed and the bill was so referred with instructions to have the same printed.

**RECESS.**

The council then took a recess of twenty minutes, and on being again called to order Mr. Donaldson reported council bill No. 34—to allow Jacob Branch, administrator of the estate of Anna Branch, deceased, to sell certain real estate of said decedant, as correctly enrolled.

**BILLS REFERRED.**

Mr. Jerauld moved that the rules be suspended and that council bill 77, providing for the setting aside of land for territorial purposes, be read a second time by its title.

The motion of Mr. Jerauld prevailed and the bill was referred to the committee on territorial affairs, with instructions to have the same printed.

The council then adjourned.

**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 excepting Messrs Nelson and Robinson, who were excused.

Journal read and approved.

**COMMITTEE REPORTS.**

Mr. Pyatt, from the committee on rules, to whom was referred the resolution amending rules 25 and 26, reported a recommendation that the rules be not changed, but that a new rule be adopted referring bills to the committee of the whole when they are reported back from the standing committees. The report was adopted.

Mr. Lamb, from the committee on enrolled and engrossed bills, reported house files 23, 24, 25, 26 and 29 as correctly enrolled.

**VARIOUS MOTIONS.**

Mr. Bowman moved that the vote by which council bill 32—relating to foreclosure of mortgages—be reconsidered. Adopted.

Mr. Bowman moved that council bill 32 be made the general order for to-day. Adopted and the clerk instructed to request the council to return the bill.

Mr. Rice moved that the committee on military affairs be requested to report forthwith upon the joint resolution providing for final adjournment on the 17th of February.

Mr. Thompson moved to amend by requiring the committee to report on the 29th day of February.

The motion as amended was adopted. On motion of Mr. Ellis, the newly elected clerk of the judiciary committee, M. B. Kent, came forward and was sworn.

**NOTICES OF BILLS.**

By Mr. Wagner—to fund the outstanding indebtedness of Bon Homme county.

**BILLS INTRODUCED.**

By Mr. Nowlin—house file 64—to define the boundaries of the first judicial district and fix the time for holding courts.

By Mr. Nowlin—House file 65—to amend the fence law for the Black Hills counties.

By Mr. Nowlin—House file 66—to repeal certain parts of the funding act for Pennington and Custer counties of the session of 1879.

**COUNCIL MESSAGE CONSIDERED.**

The house proceeded to the consideration of council message.

Council bill 13—relating to grand juries—was returned and the house asked to recede from its amendment fixing the maximum number of jurors at eighteen instead of twenty-three.

Mr. Pyatt moved that the house recede from its amendment. Lost, 12 to 10.

House file 42—relating to applications for pardons—was returned amended and concurrence in the amendment asked.

On motion of Mr. Nowlin, the house concurred in the amendment.

**COUNCIL BILL**

twenty-six—providing for appeals from actions of county commissioners—had its first reading.

**HOUSE BILLS.**

House file 63—providing for the taxation of railroad property—had its second reading.

Mr. Rice moved it be referred to a special committee of five. The motion was lost, Messrs. Ellis, Rice, Rinehart, Thompson, Tychsen and Van Woert voting in the affirmative and all the rest present in the negative.

The bill was then referred to the committee on railroads, consisting of Messrs. Benson, Sterling, Wagner, Nelson, Bowman, Inman and Choteau.

House file 48—substitute—repealing the registry act in the Black Hills counties—had its third reading and was passed, Messrs. Benson, Choteau, Harvey, McCallister, Sterling, Thompson, Tychsen and Mr. Speaker voting in the negative and all the rest present in the affirmative.

**BILLS SIGNED.**

The speaker announced the signing of house files 24, 25, 26 and 29.

**ADJOURNMENT.**

The house, at 11:20 a. m., adjourned to ten o'clock Monday morning.

**Session Notes.**

Mr. Rice has introduced in the house, and the same has been referred to the railroad committee, a bill which provides for the assessment and taxation of railroad property upon its local value. The property to be taxed includes right of way, road bed, bridges, culverts, rolling stock, depots, station grounds,

shops, buildings, gravel beds and all other property, real and personal be longing to railroad companies. The bill prescribes that the property shall be taxed at the same rates and for the same purposes as the property of individuals within the districts subject to the operations of assessors or tax collectors. It authorizes the governor to appoint an assessment board of three persons to assess the railroad property of the territory, who are to be paid ten dollars per day each while engaged in the work. Railroad corporations are at present taxed upon their gross receipts and the bill proposes to change the entire system.

James Dolliver, father of Chaplain Dolliver delivered the prayer at the opening of the session.

Mr. Nickens to-day introduced a bill providing for the erection of a \$20,000 jail and court house at Steele, the county seat of Kidder county. Steele is one of the most flourishing towns on the Northern Pacific road, and is located midway between Jamestown and Bismarck.

Chaplain Dolliver occasionally prays in poetry.

One of the council members invariably takes a drink from a bottle while all heads are bowed during the prayer at the opening of the session. He states that the bottle contains medicine (?)

Mr. Jackson's bill for making permanent improvements at the territorial penitentiary, provides for the appropriation of \$30,000 for constructing a boiler house, laundry, hospital and female prison, a residence for the warden, the finishing and furnishing of the upper story of the main building, providing steam heating and plumbing for said buildings, purchasing or leasing additional land for a stone quarry and providing for machinery and tools and constructing the yard wall at the quarry. The territorial treasurer is authorized to issue \$30,000 of territorial bonds, running twenty years at six per cent, but which may be paid on or after five years. Convict labor may be used in the construction of the buildings if deemed advisable by the governor and penitentiary directors.

Mr. Jerauld's joint resolution, introduced to-day, sets forth the fact that the territory in all probability will be soon divided, and as the public domain is fast disappearing, asks congress to set aside five sections of land, centrally located, south of the 46th parallel, said land to be used or appropriated by the territory for capital grounds or for creating a fund for capital buildings whenever it shall be deemed advisable to permanently remove the present territorial capital. The bill went to its second reading and was referred to the committee on territorial affairs.

Mr. Jackson's bill for making an appropriation for the expenses of the territorial penitentiary, provides for the appropriation of the following sums: Salary of warden, \$4,000; physician and medicines, \$1,000; pay of officers, guards, overseers and watchmen, \$26,500; for maintenance of prisoners and board of officers, \$23,400; lights, fuel and pay of directors, \$11,975. For temporary stable, teams and farming imple-

ments, \$2,500; for clothing and transportation of discharged convicts, \$1,750. Incidentals, \$4,000; for temporary yard wall, \$1,500; for furnishing warden's residence, \$1,000.