



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Fifth Day.

Council.

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

Prayer by the chaplain.

Roll call showed all members in their seats.

Mr. Nickens was excused for non-attendance yesterday.

Journal read and approved.

Mr. Nickens moved that that part of the journal referring to yesterday's personal difficulty be stricken from the record. The yeas and nays being called the motion was lost by the following vote:

Voting aye, Messrs. McCauley, Nickens and Walsh—3.

Voting nay, Dewey, Jackson, Jerould, McIntosh, Washabaugh, Ziebach and Mr. President—7.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of council bill No. 87—regulating conditional sales of railroa property, No. 146, re-enacting chapter 100 of the session law of 1881 locating a normal school at Spearfish, unchanged; that No. 93 to provide a board of education for Jamestown—and 92 incorporating Jamestown passed with amendment; and also the passage of house files No. 115 to incorporate the city of Pierre, No. 133 to incorporate the city of Huron, No. 164 providing for the erection of a court house and jail for Griggs county, No. 148 providing for a court house and jail for Brule county, No. 149 to regulate the keeping of county, township, and precinct officers, No. 153, to preserve the water of the James river for domestic and drinking purposes, No. 154 to authorize the use of funds of Richland county for bridge purposes, No. 155 creating the county of Schnasse and No. 157 authorizing Bon Homme county to refund its outstanding indebtedness.

PETITIONS AND RESOLUTIONS.

A petition was received from J. C. Wilcox, representing five hundred farmers of Lawrence county, desiring division of that county and annexation of the southern part to Forsyth county, requesting a hearing on the subject.

Mr. Washabaugh moved that the request be granted and that the petition be referred to the committee on counties.

Mr. Dewey moved that the vote by which house file 86, providing for the construction of a bridge across Hart river at Mandan was lost, be reconsidered. Carried.

The bill was placed on the general file to be considered in the committee of the whole.

INTRODUCTION OF BILLS.

By Mr. Walsh, No. 155—to amend section 13 of chapter 46 of the laws of 1879—providing that any railroad wholly or in part within the territory may lease or purchase the whole or part of the other road when the same can be connected or operated so as to form a continuous line.

By Mr. Walsh, No. 156—to insure better education of practitioners of dental surgery and regulate the practice of dentistry.

By Mr. Ziebach—No. 157—a memorial to congress asking the repeal of the duty on nails, lumber and barbed wire.

By Mr. Burdick—No. 158—to annex certain territory to the Vermillion school district.

By Mr. Jerould—No. 149—to amend subdivision 10 of section 8 of chapter 46 of the laws of 1879—permitting the legislature to regulate the freight and passenger rates on railroads.

SECOND READING.

The following council bills were read a second time and referred to committees as indicated:

No. 144—establishing the north Dakota hospital for the insane at Jamestown—charitable and penal institutions.

No. 145—a joint resolution providing for a tax commission—territorial affairs.

No. 150—to amend section 17 of the justice's code—judiciary.

PASSAGE OF BILLS.

The following council bills were read a third time and on being put on their final passage were disposed of as indicated:

No. 122—providing for the drainage and reclaiming of land.

Mr. Jerould, by unanimous consent, moved that the bill be amended to exempt Lincoln county from its provisions.

By unanimous consent, Mr. Dewey moved to further amend by inserting the words "and Yankton county" after "Lincoln county." The amendment was carried after which the bill passed, all voting in the affirmative except Mr. President, not voting.

HOUSE FILES.

The following house files were given their first readings: Nos. 115, 133, 149, 153, 154, 155, 146, 148, 157, referred to in the house message.

PASSAGE OF HOUSE FILES.

House file No. 92 creating the county of Nelson was given its third reading and passed, all voting in the affirmative.

Mr. Ziebach moved the two special orders set for 2 p. m. be continued until to-morrow at the same hour. Carried.

Mr. Scobey moved to adjourn. Carried.

House.

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

Prayer by the chaplain.

Roll call showed all members in their seats.

The journal was read and approved.

A VETO MESSAGE.

A message was received from the governor announcing his return and disapproval of house file 32—a bill for an act to amend an act to incorporate the village of Scotland. The governor transmitted with his

veto the following as his reasons for vetoing the bill:

Section one of this act provides that subdivision 24, section 16 of said act be amended to read as follows: "And the said board of trustees are hereby required and it shall be their duty to grant a license to any person to sell intoxicating liquors within said village, upon said person's complying with the laws of this territory and ordinances of said village for the use of said village, the sum of not less than \$100 or more than \$500, to be fixed by said board of trustees."

The theory of laws regulating the sale of intoxicating liquors clearly seems to have been to restrict the sale by bad and dangerous individuals whose principal object would be to secure the last dollar from persons who had become addicted to inebriation. It was also evidently the purpose to protect the public from the sale of intoxicants manufactured from the vilest drugs.

This bill, which makes it compulsory upon the trustees of the village of Scotland to license the worst characters who infest new towns, seems to me to be contrary to the spirit and intention of the license law. Its compulsory language also offends a large class of the very best citizens of this territory, while the objects and intentions of the license law could have easily been carried out by a provision authorizing the trustees in their discretion to grant licenses to proper persons.

In view of the foregoing opinions I respectfully suggest that even in case the words "may" and "shall" are construed as intended to affect the same object, the word "may" should be used in directions relating to the issuance of license for the sale of intoxicating liquors, in deference to the earnest and honest convictions of large numbers of citizens who may be called upon to execute the present license laws of the territory.

The message was referred to the committee on counties towns and cities and the bill laid on the table.

NOTICES OF BILLS.

By Mr. Nowlin—to provide for the examination of public accounts.

BILLS INTRODUCED.

By Mr. Nelson—house file 176—to amend sections 324, 325 and 328 of chapter 13 of the code of civil procedure—relating to exemptions.

By Mr. Inman—house file 177—to prevent the spread of noxious weeds.

By Mr. Nowlin—house file 178—to employ an assistant engrossing clerk and provide for the payment thereof.

By Mr. Nowlin—house file 179—to provide for the examination of public accounts.

By Mr. Nowlin—house file 180—to create the counties of Delano, Scobey, Pyatt, Sterling, Cheyenne and Jackson, and define the boundaries of each.

ADJOURNMENT.

The house, at 10:30, a. m., adjourned to ten o'clock Friday morning.

Session Notes.

Mr. Nowlin introduced another county bill in the house to-day. It provides for the creation of the counties of Delano, Scobey, Pyatt, Sterling, Cheyenne and Jackson from a portion of the Indian county to be ceded to the government for sale, entry and settlement. Under

the provisions of the bill Delano county will lie between the 45th parallel and the second standard parallel and between the 102d and 103d meridians; Scobey county will occupy the same east and west breadth and will lie south of Delano and north of the Belle Fourche river; Pyatt county is located south of the 45th parallel, north of the second standard parallel and between the 101st and 102d meridians; Sterling county is south of Pyatt as far as the first standard parallel and Cheyenne county south of Sterling as far as the 44th parallel of latitude. Each county will be 24 miles wide north and south and 48 miles long east and west.

The house yesterday sent a request to the council for the return of a bill and for action upon another bill. The request was laid on the table. The house is indignant thereat and is disposed to form a close corporation of its own.