



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Forty-Sixth Day.

Council.

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

Prayer by the chaplain. Roll call showed all members in their seats excepting Mr. Bardick. Journal read and approved. Mr. Bardick was excused for non-attendance.

INTRODUCTION OF BILLS. The following bills were introduced and given their first reading:

By Mr. Dewey—No. 160—to amend section 13 chapter 38 of the civil code, raising the salary of probate judge to \$300 and fees, in counties of over 5,000 inhabitants.

By Mr. Dewey—No. 161—to amend section 747 of chapter 38 of the civil code, relative to damages by cattle.

By Mr. McIntosh—No. 162—locating a reform school for juvenile offenders at Frankton.

By Mr. Roberts—No. 163—amending the act creating a school board for Fargo and regulating the public school system of that city.

By Mr. Seabey—No. 164—to amend section 8 of chapter 84 of the laws of 1881, relative to the holding of district court in Brookings and Kingsbury counties.

By Mr. Walsh—No. 165—a bill supplementary to council bill No. 101, providing for the establishment of the university of North Dakota at Grand Forks. Mr. Walsh moved that the rules be suspended and that it be given its several readings and be put on its final passage—carried.

The bill was read a second and third time and passed, all present voting in the affirmative.

By Mr. Walsh—No. 166—creating the county of Roberts.

By Mr. McCauley—No. 167—authorizing school district 20, Brown county, to issue bonds to erect a school house.

Substitute bill No. 81—reported by the committee on railroads.

By Mr. Nickens—No. 168—authorizing school district No. 2 of Kidder county to issue bonds to erect a school house.

Mr. Roberts moved that council bill 163 be given its several readings and be put on its final passage—carried.

The bill was so read and passed, all present voting in the affirmative.

SECOND READING OF COUNCIL BILLS. The following bills were given their second reading and referred to committees as indicated:

No. 147—to incorporate the city of Canton—incorporations.

No. 151—to provide for a court house and jail for Aurora county—public buildings.

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—railroads.

No. 159—to amend subdivision ten of section eight of chapter 46 of the laws of 1879—permitting the legislature to regulate the freight and passenger rates on railroads—railroads.

THE CONSTITUTIONAL CONVENTION.

Mr. President appointed Messrs. Washabaugh and Dewey as a committee to draw a bill providing for the calling of a constitutional convention for that part of the territory south of the 45th parallel, as required by Mr. Washabaugh's resolution.

SECOND READING OF HOUSE FILES.

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

No. 153—to incorporate the city of Huron—incorporations.

No. 115—to incorporate the city of Pierre—incorporations.

No. 146—providing for the erection of a court house for Griggs county—appropriations.

No. 148—providing for a court house and jail for Brule county—appropriations.

No. 149—to regulate the keeping of county, township, and precinct officers—judiciary.

No. 153—to preserve the water of the James river for domestic and drinking purposes—territorial affairs.

No. 154—to authorize the use of sinking funds of Richland county for bridge purposes—judiciary.

No. 155—creating the county of Schwase—counties.

No. 157—authorizing Bon Homme county to refund its outstanding indebtedness—appropriations.

COMMITTEE OF THE WHOLE.

The council then went into committee of the whole.

Mr. Washabaugh in the chair.

When the committee arose it reported through its chairman with recommendations as follows:

That substitute council bill 85—to provide for the levy and collection of taxes upon the property of railroad companies in this territory be printed and returned to the general file.

That council bill 104—to create a board of railroad commissioners—be referred to the committee on territorial affairs.

That house file 122—amending the exemption law, do not pass.

That house file 95—to amend section 582 of the code of criminal procedure be indefinitely postponed.

That house file 127—for an act to amend section 497 of article 4 of the code of civil procedure, do pass with amendments.

That house file 131—to amend section 15 of chapter 39 of the political code do not pass.

That house file 113—for an act to

amend section 587 of the code of civil procedure, do pass with certain amendments.

The committee arose at 12:30 p. m., reported progress and asked leave to sit again at 2 p. m.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing that he had signed the following council bills: No. 57, authorizing the issue of bonds to fund the outstanding indebtedness of Davison county; No. 79, providing for a court house and jail for Kidder county; No. 41, relative to the exemption of purchase money; No. 61, to amend sec. 1, chap. 86 of laws of 1881; No. 80, authorizing school district one of Kidder county to issue bonds for erection of a school house; and No. 82, to amend section 718 of the penal code.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of council bill 165—an act supplementary to the one establishing the university of North Dakota, at Grand Forks.

Mr. Jerauld moved that the council take a recess until 2 p. m. 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.

NOTICES OF BILLS.

By Mr. Sterling—to authorize district three, Hand county, to issue bonds.

By Mr. Sterling—to define the boundaries of the second and fourth judicial districts and for other purposes.

By Mr. Sterling—to authorize the commissioners of Hughes county to fund the outstanding indebtedness of the county.

By Mr. Pyatt—to legalize the organization of school district 19, Richland county.

By Mr. Rice—to change the place of holding the United States court in the second judicial district, and for other purposes.

By Mr. Inman—to provide for the payment of E. B. Dawson for extra services as chief clerk of the council during the session of 1881.

By Mr. McCallister—to vacate a certain part of a territorial road in Lake county.

By Mr. Wynn—to vacate the territorial road in section 36, in township 94, range 56, in Yankton county.

BILLS INTRODUCED.

By Mr. Wagner—house file 182—providing for an election on the third Tuesday in April next to change the county seat of Bon Homme county.

By Mr. Choteau—house file 183—to create the county of Butte from a portion of Lawrence county.

By Mr. Benson—house file 184—to create the counties of Villard, Bowman, Ewing and Bardick and to define the counties of Billings and Harding.

By Mr. Benson—house file 185—to regulate the sale of liquor in Bismarck.

By Mr. Nowlin—house file 186—to regulate the survey and marking of public highways.

By Mr. Towler—house file 187—to locate a normal school at Buxton, Traill county.

By Mr. Robinson—house file 188—giving cities, towns and villages exclusive right to license the sale of liquors.

BILLS SIGNED.

The speaker announced that he had signed house files 70, 87, 83, 71 and 116 CONCURRED IN.

The house, on motion of Mr. Pyatt, concurred in the council amendments to the house concurrent resolution ordering the printing of bills not paid for by the general government.

HOUSE VS. COUNCIL.

On motion of Mr. Rice, the house returned to the order of motions and resolutions.

Mr. Allied introduced the following resolutions:

A committee appointed by a canvass of a majority of the members of the house, respectively submit the following preamble and resolution:

WHEREAS, Early in this session several house bills of importance passed this house and were transmitted to the council; and

WHEREAS, The council have taken no action upon them, notwithstanding the house have at different times requested them so to do; and

WHEREAS, At different times the house have passed resolutions to appoint a joint committee to act with the council, and the council have refused to consider such resolutions; and

WHEREAS, The house requested the council to return to them council bill No. 75 and they refused to consider such request or return any answer whatever; therefore be it

Resolved, That the house refuse to put any council bills upon their passage until such times as the council extend to this house the courtesy due from one legislative body to another.

Mr. Rice moved the adoption of the resolution.

Mr. Sterling opposed the resolution, as he deemed the action uncalled for.

Mr. Rice said the resolution had been ordered by seventeen members of the house and that the time had arrived when the house should take such action as would maintain its self respect.

The resolution was adopted.

COUNCIL BILLS.

Council bill 39—to create the office of district attorney for the several counties—had its first reading.

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

No. 53—to regulate the weighing and grading of wheat and for other purposes—committee of the whole.

No. 94—to legalize the acts of the council of Grand Forks—judiciary.

No. 126—to empower school districts one in Aurora and twelve in Davison counties to issue bonds—counties, towns and cities.

HOUSE FILES.

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

No. 173—to amend section 41, chapter 23, laws of 1879—judiciary.

No. 173—to limit the liability of irrigating and ditching companies—mines and mining.

No. 174—to stock with food fishes the waters of Dakota—territorial affairs.

No. 175—to legalize the acts of the commissioners of Walsh county—counties, towns and cities.

No. 188—to provide for the appointment of a fire warden at Lead City—mines and mining.

No. 178—to employ an assistant engrossing clerk and provide for the payment thereof.

No. 179—to provide for the examination of public accounts and the appointment by the governor and council of a commissioner of finance—made special order for to-morrow.

The following house files had their third reading and were disposed of as indicated.

No. 167—to protect game—passed unanimously.

No. 46—to authorize school district three, Brown county, to issue bonds—passed unanimously.

No. 121—to provide for a lien on colts and calves for the services of stallions and bulls—passed. Messrs. Choteau, McCallister, Phillips, Thompson, Wagner and Mr. Speaker voting in the negative and all the rest in the affirmative.

BREAK NUMBER ONE.

Mr. Nelson moved the rules be suspended (likewise the resolution adopted this morning) and that council bill 165—supplementary to the bill establishing the university of north Dakota—be given its usual readings and be placed on its final passage.

Motion adopted and the bill passed unanimously.

COMMITTEE OF THE WHOLE.

The house at 11:15 a. m., on motion of Mr. Inman, went into committee of the whole for the consideration of the general order, Mr. McCallister in the chair.

The committee rose at 12:10 p. m. and reported a recommendation that council bill 53—to regulate grading and weighing of wheat—be recommitted to a special committee of seven; that the proposed educational bill recommended by the superintendent of instruction be referred to the committee on education with instructions to introduce a bill; that house file 126—to repeal section one chapter 29 of chapter 29—be recommitted to the judiciary committee with introductions to draft a substitute.

The report was accepted and adopted.

A RESOLUTION.

Mr. Nelson introduced the following: **WHEREAS**, The farming community of this territory is now suffering under an oppressive elevator monopoly acting in collusion with transportation companies; therefore be it **Resolved**, That the committee on judiciary, acting in conjunction with the committee on agriculture, be instructed to prepare and submit to the consideration of this house, on Monday next, a bill to remedy, as far as practicable, the existing difficulty.

The resolution was adopted.

RECESS.

The house, at 12:29 a. m. took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The house re-convened at two o'clock, Mr. Speaker in the chair.

The speaker announced that he had signed council bills 75 and 74.

COMMITTEE REPORTS.

The house, by unanimous consent, referred back to order of committee reports.

Mr. Wynn, from the committee on appropriations, reported back council bills 67 and 68 and house file 134 with a recommendation that they pass.

Mr. Sterling, from the committee on judiciary, reported council bills 47 and 48 with a recommendation that they pass.

RUSHED THROUGH.

Mr. Inman moved that the bills above reported have their third reading and be put upon their final passage. Adopted and the bills were disposed of as follows.

House file 134—to locate and endow a normal school at Pembina—was passed, Messrs. Tychsen, and VanWoert voting in the negative, Messrs. Rice and Thompson being excused and all the rest voting in the affirmative.

Council bill 68—to provide funds for conducting the Springfield normal school—passed. Messrs. Ellis, Tychsen and Van Woert voting in the negative, Messrs. Pyatt and Rice being excused and all the rest voting in the affirmative.

Council bill 47—to amend sections 337 and 338—passed unanimously.

Council bill 48—relating to costs in civil actions—passed unanimously.

Council bill 67—to provide funds for the construction of an agricultural college at Brookings—passed, Mr. Ellis alone voting in the negative.

BILLS INTRODUCED.

By Mr. McCallister—House file 189—to establish and provide for the maintenance of a uniform system of common schools.

By Mr. Robinson—House file 190—to amend the act incorporating the village of Springfield.

By Mr. Inman—House file 191—to provide for paying E. B. Dawson seventy-two dollars for services as chief clerk of the council in 1881.

By Mr. Sterling—House file 192—to authorize Hughes county to fund its outstanding indebtedness.

NEW BUSINESS LIMITED.

Mr. Pyatt introduced a resolution providing that after Wednesday, February 25, no new bills be introduced, except by unanimous consent. Adopted.

CONCURRED.

The house concurred in the council amendment to house file 92—creating the county of Nelson—and house file 98—authorizing the village of Madison to issue bonds.

Session Notes.

Mr. Benson has introduced a bill in the house for the division of Harding and Billings counties, on the extreme western edge of the territory, into six counties, three for Billings and three for Harding. Commencing with the northern boundary of the present Billings county and moving southward along the map to

the southern boundary of the present Harding county, the proposed new counties will be named respectively Billings, Villard, Bowman, Ewing, Burdick and Harding. Each county will be twenty-four miles wide north and south and forty-eight miles long east and west. These proposed counties will all lie in unorganized territory, the object of its projectors being to reduce the size of the counties in that section before they are occupied and thus avoid future trouble. It is all good agricultural country.

The house to-day passed a resolution which is in the nature of a declaration of war against the council. The house will refuse to pass any more council bills until the council treats the house with proper respect.

This action was caused by something which occurred early in the week. The house sent to the council a request for the return of the council bill appropriating money for the current and contingent expenses of the Sioux Falls penitentiary, which had been passed by the house. Also a request that the council committee to which had been referred the house bill annulling the act giving Judge Moody extra salary be instructed to report the same. This communication the council laid on the table and took no further notice of. There had been other little occurrences which the members of the house construed into a snub on the part of the council and the house made up its mind that it would no longer submit to conduct of that sort.

Hence the resolution declaring that no council bills should go through the house until the council began to behave itself. Upon the heels of this resolution the rules were suspended and a council bill supplemental to the northern Dakota university bill was given its several readings and passed. This, however, appears to have been a cause for an exception. The original bill is in the hands of the governor and supplemental legislation in relation thereto is required before the original bill can be approved. So the circumstance does not really indicate a break in the determination of the house.

If street and lobby rumors can be credited, as much as \$25,000 was yesterday drawn from the banks and used as sugar to sweeten the capital removal scheme. There are many reports that efforts are being made to purchase the prize without an open offer to the committee. It is not probable however, that everything that is afloat is true.

A Sheridan Jones, engrossing clerk of the house, is seriously sick and the house to-day passed a bill authorizing the employment of an assistant engrossing clerk to do the work until Mr. Jones is again ready for business. Mr. Jones offered to resign if the house desired it, but it was not deemed advisable by that body to accept his proposition.

The house to-day adopted a resolution to shut off new business after the 28th inst.

A bill is to be introduced to divide Ransom county and to give the name of Sargent to the north half in honor of an ex-general manager of the Northern Pacific road.

The house bill locating the northern Dakota penitentiary at Bismarck passed the council to-day and the measure now requires only the governor's signature to make it a law.