



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fifty-Second Day.

Council.

THURSDAY AFTERNOON'S SESSION.

The council was called to order at two o'clock p. m. by Mr. President.

THIRD READING OF COUNCIL BILLS.

Council bill No. 208—entitled a bill for an act establishing an independent school district in townships 101 and 102, range 47, county of Minnehaha, D. T., was read the third time and put upon its final passage.

And the roll being called there were ayes 10 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach and Mr. President.

Council bill No. 166—entitled a bill for an act to create and define the boundaries of the county of Roberts—was read the third time and was put upon its final passage.

And the roll being called there were ayes 11 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach and Mr. President.

Absent and not voting—Mr. McCauley.

Council bill No. 190—entitled a bill for an act to appropriate funds for the maintenance of a territorial university in north Dakota, was read the third time and was put upon its final passage.

And the roll being called there were ayes 11 and nays 1 as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, McCauley, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach, Mr. President.

Negative, Mr. Jerauld.

Council bill No. 20—entitled a bill for an act to amend certain sections of the session laws of 1881 with reference to the salary of territorial treasurer was read the third time and was put upon its final passage.

And the roll being called there were ayes, 12 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach, Mr. President.

Council bill No. 161—entitled a bill for an act creating the county of Nickens and defining its boundaries, was read the third time and was amended and put upon its final passage.

And the roll being called there were ayes 12 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach, Mr. President.

Council bill No. 196—entitled a bill for an act to authorize the county of Dickey to issue bonds for the redemption of its outstanding indebtedness and for the erection and construction of a court house was put upon its final passage.

And the roll being called there were ayes 11 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Roberts, Walsh, Washabaugh, Ziebach, Mr. President.

Absent, Mr. Nickens.

Council bill No. 167—entitled a bill for an act to authorize school district No. 20 in county of Brown to issue bonds for the purpose of constructing and furnishing a school house—was put upon its final passage.

And the roll being called there were ayes 11 and nays none as follows:

Those voting in the affirmative were Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Roberts, Walsh, Washabaugh, Ziebach, Mr. President.

Absent, Mr. Nickens.

Council bill No. 89—entitled "a bill for an act to authorize school district No. 7, Cass county, to issue bonds" was put upon its final passage, and the roll being called, there were ayes twelve and nays none, as follows: Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach and Mr. President.

Council bill No. 187—entitled "a bill for an act to repeal chapter seventy of the general laws of 1881, and for other purposes," was read the third time and put upon its final passage, and the roll being called there were ayes twelve and nays none, as follows: Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach and Mr. President.

Council bill No. 160—entitled "a bill for an act to amend section thirteen, chapter thirty-nine of the political code," was read the third time and was put upon its final passage, and the roll being called there were ayes nine and nays three, as follows: Ayes—Messrs. Burdick, Dewey, Jackson, Jerauld, McCauley, McIntosh, Roberts, Ziebach and Mr. President; nays—Messrs. Nickens, Walsh and Washabaugh.

Council bill No. 235—to amend the charter of the village of Dell Rapids—read a third time and put upon its final passage, and passed by full vote.

Council bill 137—memorial to congress, concerning tariff on nails, lumber and barbed wire—passed by a unanimous vote.

Council bill 193—to regulate instruction in public schools—past by ayes, Messrs. Dewey, Jackson, Jerauld, McCauley, McIntosh, Nickens, Roberts, Washabaugh and Mr. President. Three nays, Burdick, Walsh and Ziebach.

Council bill No. 134—a bill for an act establishing a school for deaf mutes and locating the same—was made a special

order for this hour and the council proceeded to consider the same. The bill was read a second time, also the amendments recommended by the committee on penal and charitable institutions. It was moved by Mr. Jackson that the amendments be adopted and the motion was carried.

Mr. President calling Mr. Walsh to the chair spoke at length on this bill in opposition thereto and advocating the location of this institution at Watertown, and was replied to by Mr. Jackson and Mr. Dewey, who spoke in favor of the bill. The question being on the passage of the bill, it was passed by a vote of ten to one, Mr. President voting in the negative and Mr. Nickens not voting.

House file No. 183—a bill for the organization of the county of Butte and for other purposes—had its third reading and Mr. Washabaugh moved an amendment to the bill to change the southern boundary line of the county.

Mr. Washabaugh withdrew his amendment, and the question being on the passage of the bill, it was passed by a vote of eight in favor and four against.

A bill for an act to divide Lawrence county and organize the county of Hale and define the boundaries thereof, had its third reading, and the question being in its final passage, it was lost by two ayes and ten nays.

Council bill No. 179—to provide for a constitutional convention, &c., had its third reading.

Moved by Mr. Ziebach—that the further consideration of this bill be indefinitely postponed. The question being on the motion to postpone, the motion was lost. Ayes 2, nays 10.

The question being on the passage of the bill, it was passed. Ayes 9, nays 3. Messrs. Burdick, Jerauld and Ziebach voting nay.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor recommending that legislation be had for the purpose of organizing and maintaining a territorial militia, &c., with a communication from the grand army commander on the same subject. This message was referred to the committee on military affairs.

A message was also received announcing that the governor returned council bill No. 83—to re-establish and maintain a normal school at Spearfish in the Black Hills—without his signature and with his objections thereto.

On motion of Mr. Washabaugh, the consideration of this message was postponed until Monday next at 2 o'clock.

The committee on enrollment reported that council bills Nos. 50, 124 and 125 were correctly enrolled.

Council adjourned.

Fifty-Third Day.

Council.

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

Prayer by the chaplain.

The roll call showed all members in their seats.

Journal read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of council bills No. 173—to amend the chapter of the city of Fargo, No. 142—to authorize the county commissioners of Yankton county to purchase all outstanding bonds other than railroad bonds, No. 132—to incorporate the city of Vermillion, No. 130—defining the boundaries of Faulk and Potter counties, No. 25—prohibiting the importation of Cherokee and Texas cattle, No. 122—to enable owners of land to drain and reclaim the same, and No. 55—to amend the act establishing school district No. 1 of Grand Forks county; and the passage, with amendment, of council bill No. 123, redistricting Grand Forks county; also the passage of house files No. 208—on payment of public printing, No. 158—creating the county of Benson, No. 211—providing funds for improving the penitentiary, No. 199—to vacate a part of the village of Pierre, No. 194—to incorporate Scotland, and No. 171—to amend section ten, chapter twenty-seven of political code.

SUSPENSION OF RULES.

Mr. Nickens moved that the council take action on his resolution to suspend rule No. 2 relating to the reading and passage of bills and the amendment offered by him. The amendment was lost, all voting in the negative except Messrs. Burdick, McCauley, Nickens, Roberts, Walsh and Mr. President. The resolution was then lost by the same vote.

CONSIDERATION OF MESSAGE.

Mr. Walsh moved that the council concur in the house amendments to council bill No. 123. Carried.

Mr. Walsh moved the council do not reconsider its action on house file 45 and that a committee of conference be appointed to confer with a similar committee from the house on the bill. Carried.

Mr. President appointed as such committee the committee on counties.

Mr. Dewey moved that the rules be suspended and that all bills read a first time be given their second reading and referred to appropriate committees. Carried.

SECOND READING OF COUNCIL BILLS.

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

No. 168, to committee on appropriations.

PASSAGE OF COUNCIL BILLS.

The following council bills were given their third readings and on being put on their final passage were disposed of as indicated:

No. 203—creating an independent school district in townships 101 and 102 in range 47 of Minnehaha county. Passed, all present voting in the affirmative.

No. 131—to reimburse Martin & Anderson for losses sustained in furnishing the iron work for the territorial penitentiary. Passed by the following vote:

Voting aye—Dewey, Burdick, Jackson, Jerauld, Washabaugh and Ziebach—6.

Voting nay—McCauley, Nichols, Roberts, Walsh and Mr. President—5. McIntosh not voting.

No. 145—a joint resolution providing for the appointment of a tax commission. Passed, all voting in the affirmative except Messrs. Ziebach and Washbaugh.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that the house had refused to concur in the council amendments of house file 45—creating Steele county—and had appointed Messrs. Nelson, Wagner, Robinson, Harvey, Benson, Allred and Choteau as members of a joint committee for conference, and also transmitting house file 210—authorizing the taxation of certain property in Union county.

Mr. Washbaugh moved that the concurrent resolution received from the house asking the return of certain bills from the governor be given its several readings and be put on its final passage. Carried. The resolution was so read and passed, all voting in the affirmative.

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.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 160, 161, 89, 167, 179, 187, 193, 196, 201 and 206 and house files 183—to create the county of Billings—121—relating to lions for services of stations and bells—and that it had refused to pass house file 118—to organize the county of Hale; also that the president had appointed Messrs. Walsh, Jackson and Burdick as the council end of the conference committee on council bill 76.

MOTIONS AND RESOLUTIONS.

Mr. Thompson moved that all bills introduced to-day have their first and second reading and be referred to their appropriate committees. Adopted.

Mr. Nowlin offered a resolution asking the governor to return certain bills which had not been signed and attested by the president and the clerk of the council. Adopted.

BILLS INTRODUCED.

By Mr. Allred—house file 217—to provide for the location of the seat of government of the territory of Dakota and the erection of public buildings thereon. This is the

CAPITAL REMOVAL.

bill. Mr. Thompson got upon his feet with alacrity and moved that the bill be referred to a special committee of seven, of which Mr. Pyatt be chairman and that the committee be instructed to report at any time.

Mr. Rice moved as an amendment that the bill be referred to the judiciary committee. Lost.

Mr. Inman moved that no further action be taken on the bill until it was printed.

Mr. Rice supported the motion. He thought Mr. Thompson's motion rather untimely. This was a matter of importance to the people, who were watching the legislature with great suspicion. A motion giving a permission to make a report at any time might bring it back in ten minutes. The council had been considering a similar bill three weeks and had given no report yet. It seemed presumptuous in the house to take up and carry through this matter so suddenly. The bill should be printed and then reported in its regular order.

Mr. Inman thought it not the proper thing that a bill go to a committee for action before it was printed. Mr. Thompson had been always ready to call for the full reading a second time of bills which had been printed. Now he came forward and demanded that this one go to a committee with unusual privileges without giving the members an opportunity to see it. He asked a decent consideration of this measure in the interest of the people. None of the members could tell from listening to the reading whether or not the bill was in conformity with the organic act. It should be first printed so every member could look it over.

Mr. Thompson said he was surprised that Mr. Inman should take such a position. This was not a motion to suspend the rules and put the bill on its third reading.

Mr. Sterling—That will be the next thing, won't it?

Mr. Thompson—This is a momentous question. The judiciary committee is loaded down with work and this is the reason I proposed a special committee.

The parliamentary propriety of Mr. Inman's amendment to Mr. Thompson's motion being questioned, Mr. Inman moved, as a substitute to Mr. Thompson's motion, that the bill be printed before it was given its reference. The ayes and nays were called on the motion and it was lost—13 to 10—as follows:

Nays—Allred, Benson, Bowman, Choteau, Harvey, Nelson, Nowlin, Pyatt, Thompson, Towner, Tychsen, Van Woert, Wagner.

Ayes—Inman, Lamb, McCallister, Phillips, Rice, Rinehart, Robinson, Sterling, Wynne, Mr. Speaker.

Mr. Rice moved that the words "with leave to report at any time" be stricken from Mr. Thompson's motion. Mr. Thompson consented to this amendment and they were stricken out.

Mr. Rice moved a call of the house, which was sustained.

Roll call showed that Mr. Lamb was absent.

On motion of Mr. Pyatt, further proceedings under the call of the house were suspended.

Mr. Inman moved as an amendment that the special committee to whom the bill was to be referred be instructed not to report until after the bill was printed.

The amendment was lost—13 to 10—as follows:

Nays—Allred, Benson, Bowman, Choteau, Harvey, McCallister, Nelson, Pyatt, Thompson, Towner, Van Woert, Wagner, Mr. Speaker.

Ayes—Ellis, Inman, Lamb, Phillips, Rice, Rinehart, Robinson, Sterling, Tychsen, Wynne.

Mr. Thompson's motion to refer the capital removal bill to a special committee to be appointed by the chair, of which Mr. Pyatt should be chairman, was then adopted—15 to 9—as follows:

Ayes—Allred, Benson, Bowman, Choteau, Ellis, Harvey, McCallister, Nelson, Pyatt, Thompson, Towner, Tychsen, Van Woert, Wagner, Mr. Speaker.

Nays—Inman, Lamb, Nowlin, Phillips, Rice, Rinehart, Robinson, Sterling, Wynne.

THE COMMITTEE.

After some delay the speaker announced the following as the special committee to whom was referred the bill for the removal of the capital: Messrs. Pyatt, Wagner, Benson, Thompson, Van Woert, Choteau and Towner. All of these gentlemen are radically arrayed upon the side of removal and the opposition has not a single advocate upon the committee. Of course it will be reported favorably.

OTHER NEW BILLS.

The following house files, introduced to-day, had their first and second reading, under suspension of the rules, and were referred to committees as indicated:

No. 218—to define the boundaries of Stanley county—committee on counties, towns and cities.

No. 219—to define the boundaries of Brule county—counties, towns and cities.

No. 220—to amend section 1,287 of the civil code—giving damages for failure of public carriers to deliver messages—judiciary.

No. 221—to vacate Bradford's addition to Bon Homme—judiciary.

No. 223—to legalize the incorporation of the Ellendale and Wapeton railroad—judiciary.

No. 224—to authorize incorporations to amend their articles of incorporation—counties, towns and cities.

House file 225—to appropriate \$5,000 for constructing and furnishing normal school at Spearfish, introduced this morning by Mr. Bowman under a suspension of the rules had its several readings and was passed Messrs. Rice and Tychsen voting in the negative and all the rest in the affirmative.

COUNCIL BILLS.

The following council bills came up on their first reading and under a suspension of the rules had their second and third reading and were passed. Most of them were read by their titles only and had not been referred to committees:

No. 128—to incorporate the city of Chamberlain—passed, Mr. Rinehart alone voting in the negative.

No. 153—to incorporate the city of Casselton—passed, Mr. Rinehart alone voting in the negative.

No. 118—to locate a reform school at Plankinton—passed, Messrs. Nowlin, Phillips, Rinehart, Thompson and Tychsen voting in the negative.

No. 178—to authorize the treasurer of Yankton county to remit taxes in certain cases.

No. 190—to appropriate funds for the maintenance of the university of north Dakota at Grand Forks—passed, Mr. Tychsen alone voting in the negative.

No. 205—to amend the charter of the village of Dell Rapids—passed unanimously.

No. 156—a memorial to congress asking for the repeal of the duty on nails, lumber and barbed wire—passed unanimously.

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

No. 201—to increase the salary of the territorial treasurer to \$2,000 a year—appropriations.

No. 196—to authorize Dickey county to issue bonds—counties, towns and cities.

No. 193—concerning instruction in public schools—education.

No. 187—to repeal the act defining annual and special elections—elections.

No. 179—providing for a constitutional convention—territorial affairs.

No. 167—to authorize a Brown county school district to issue bonds—counties, towns and cities.

No. 89—to authorize school district seven, Cass county, to issue bonds—counties, towns and cities.

No. 161—to amend the herd law—counties, towns and cities.

No. 160—to amend section 13, chapter 39 of the political code—judiciary.

No. 134—to establish the Dakota school for deaf mutes—territorial affairs.

No. 166—to create the county of Roberts—counties, towns and cities.

BILLS SIGNED.

The speaker announced that he had signed house files 168, 146, 123, 86, 13, 113, 76, 127, 135 and 148, and council bills 125, 60 and 124.

EXCUSED.

Mr. Lamb stated that affairs at home rendered his presence necessary and he asked to be excused for Saturday, Monday and Tuesday. Granted.

A GRANT COUNTY BILL.

Under a suspension of the rules, on motion of Mr. Sterling, house file 216—authorizing Grant county to issue bonds—was passed, Messrs. Allred, Benson, Rinehart, Towner and Wagner voting in the negative, Messrs. Tychsen and Thompson being excused and all the rest voting in the affirmative.

RECESS.

Mr. Thompson moved that the house take a recess until three o'clock p. m.

Mr. Inman moved an amendment that the house adjourn. Lost.

Mr. Thompson's motion was then adopted.

AFTERNOON SESSION.

The house reconvened at three p. m. Mr. Speaker in the chair.

BILLS SIGNED.

The speaker announced that he had signed council bills 147, 174, 130 and 140 and house files 110, 183, 154 and 96.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 183—to

amend the charter of Yankton; also that the council had passed a concurrent resolution requesting the governor to return the Springfield normal school bill.

SUSPENSION OF RULES.

Mr. Thompson moved that the rules be suspended, and that Mr. McCallister have permission to introduce a bill. Adopted.

Mr. Callister introduced house file 226—to appropriate funds for a normal school building at Madison.

Mr. McCallister moved that the rules be suspended and that the bill be given its several readings and placed upon its passage.

Mr. Inman moved a call of the house and was sustained.

Roll call showed that Messrs. Pyatt, Rinehart and Van Woert were absent, and the sergeant-at-arms was directed to find them.

After a few moments Mr. Thompson moved to dispense with further call of the house and the motion was adopted.

The motion to suspend the rules and pass the bill was lost.

COUNCIL BILLS.

Council bill 53—to regulate the weighing and grading of wheat—passed, Messrs. Ellis, Inman, Lamb, Sterling and Wynn voting in the negative, Mr. McCallister being excused and the balance voting in the affirmative.

No. 129—to create the county of Sanborn—passed by unanimous vote.

HOUSE FILES.

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

No. 189—to establish a uniform system of common schools—passed unanimously.

No. 136—to incorporate the city of Steele—passed unanimously.

No. 180—to create the counties of Delano, Sobey, Pyatt, Sterling, Jackson and Martin—passed, Mr. Nowlin alone voting in the negative.

No. 182—to provide for changing the county seat of Bon Homme county by vote of the people—passed, Messrs. Phillips and Rinehart voting in the negative.

No. 190—to amend the incorporation act of Springfield—passed by unanimous vote.

BILLS INTRODUCED.

By Mr. Rice—house file 227—to authorize the village of Egan to issue bonds.

By Mr. Robinson—house file 228—to define the boundaries of Douglas county.

By Mr. Nelson—house file 229—to legalize the acts of Wm. R. Goodfellow as notary public.

ADJOURNMENT.

The house, at 3:45 p. m., adjourned to ten o'clock Saturday morning.

Session Notes.

Mr. Allred's house bill for the removal of the capital provides—first, that the seat of government be removed from the city of Yankton.

That the governor shall nominate and the council confirm nine commissioners, each of whom shall possess the qualifications of electors, "for the purpose of locating the permanent seat of government and the public buildings of the territory of Dakota."

That the commissioners are required to give \$40,000 bonds each for the faithful performance of their duty and shall each take an oath to faithfully carry out the provisions of the act.

That if any of the commissioners fail to qualify within thirty days after the passage of the act, or should a vacancy occur at any time, the governor shall fill the vacancy.

That the commissioners shall meet at Yankton within thirty days and organize by electing a president, secretary and treasurer.

That on or before the 1st of July, 1883, the commissioners shall select a suitable site for the seat of government and shall receive not less than \$100,000 to be paid or guaranteed in money or in land, or both.

That after the site is determined upon deeds are to be secured for at least twenty acres of land and the same is hereby declared the permanent seat of government of the territory of Dakota, at which all the sessions of the legislature shall hereafter be held.

Provision is made for the sale of land not needed for capital purposes, and the act prescribes that none of the commissioners shall purchase land within ten miles of the capital for a period of one year. The commissioners are each to receive ten dollars per day for their services.

The long talked of capital removal bill was introduced in the house this morning and was given a reference to a special committee of seven, consisting entirely of members favorable to the removal scheme. All the movements in connection with its introduction and reference indicated a voting strength of fifteen in its favor and nine opposed to it. The bill is, as was stated yesterday, elaborately drawn and bears a plausible exterior. That particular section which prohibits the members of the commission from purchasing any land within ten miles of the proposed capital site will be smiled at some. Otherwise the measure is not especially humorous. The originators are putting in their best work to-day in the interest of the syndicate. No point is named in the bill for a capital location, but that end of the matter is undoubtedly arranged.