

TERRITORY OF DAKOTA.

JOURNAL OF THE COUNCIL

OF THE

SEVENTEENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

JANUARY, 1887.

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Journal of the Council.

SEVENTEENTH SESSION.

FIRST DAY.

TERRITORY OF DAKOTA, COUNCIL CHAMBER, {
BISMARCK, DAKOTA, January 11, 1887. }

On this eleventh day, being the second Tuesday in January, 1887, the day appointed by law, assembled at the hour of 12 o'clock, meridian, in the Council Chamber of the Capitol at Bismarck, the members elect of the Legislative Council, who were called to order by A. W. Howard, the chief clerk of the Council of the sixteenth session, and after prayer by the Rev. Caleb Ben-Ham, the roll being called, the following gentlemen responded to their names, to-wit :

From the

First District.....Edward C. Ericson, of Union
Second District.....Ellison G. Smith, of Yankton
Third District.....Taylor O. Bogert, of Bon Homme
Fourth District.....Melvin Grigsby, of Minnehaha
Fifth District.....John D. Lawler, of Davison
Sixth District.....Thomas M. Martin, of Lake
Seventh District.....George A. Matthews, of Brookings
Eighth District.....John Cain, of Beadle
Ninth District.....Everett W. Foster, of Spink
Tenth District.....Edward T. Sheldon, of Hand
Eleventh District.....Corwin D. Mead, of Hughes

Twelfth District.....Charles H. Sheldon, of Day
 Thirteenth District.....Albert W. Campbell, of Brown
 Fourteenth District } Samuel P. Wells, of Pennington, and
 } Frank J. Washabaugh, of Lawrence
 Fifteenth District.....Porter J. McCumber, of Richland
 Sixteenth District.....Hector Galloway, of Cass
 Seventeenth District.....Joel S. Weiser, of Barnes
 Eighteenth District.....Jermand A. Harstad, of Traill
 Nineteenth District....William T. Collins, of Grand Forks
 Twentieth District.....Roger Allin, of Walsh
 Twenty-first District.....Patrick C. Donovan, of Pembina
 Twenty-second District.....Willis E. Dodge, of Stutsman
 Twenty-third District....Alexander Hughes, of Burleigh

The oath of office was then taken and subscribed by the members elect, administered by William H. Francis, associate justice of the Supreme Court of Dakota Territory.

The election of a president of the Council then being in order,

Mr. C. H. Sheldon nominated Mr. Matthews, of Brookings, and

Mr. Cain nominated Mr. Washabaugh, of Lawrence, and a vote being taken,

Those voting for Mr. Matthews were—

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Galloway, Grigsby, Hartstad, Hughes, Lawler, McCumber, Sheldon of Day, Weiser—13.

Those voting for Mr. Washabaugh were—

Messrs. Bogert, Cain, Ericson, Foster, Martin, Matthews, Mead, Sheldon of Hand, Smith and Wells—10.

Mr. Washabaugh voted for Mr. Foster, of Spink.

Mr. Matthews having a majority of all the votes cast was declared duly elected, and took the oath of office administered by Wm. H. Francis, associate justice of the Supreme Court.

The election of a chief clerk being in order

Mr. Galloway nominated Mr. T. A. Kingsbury and there being no other nominations

The roll was called and

Those voting for Mr. Kingsbury were—

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—24.

Mr. Kingsbury having received a majority of all the votes cast was declared elected chief clerk, and took the oath of office administered by the president.

Mr. Dodge then nominated Mr. Robert E. Wallace for assistant clerk, and there being no other nominations

The roll was called and

Those voting for Mr. Wallace were—

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—24.

Mr. Wallace, having received a majority of all the votes cast, was declared duly elected assistant clerk.

Mr. Campbell then nominated Mr. C. W. Starling for enrolling clerk and there being no other nominations,

The roll was called, and

Those voting for Mr. Starling were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Starling, having received a majority of all the votes cast, was duly declared enrolling clerk.

Mr. Hughes then nominated Mr. O. A. Southmayd for engrossing clerk, and there being no other nominations

The roll was called and

Those voting for Mr. Southmayd were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Southmayd, having received a majority of all the votes cast, was declared duly elected engrossing clerk.

Mr. McCumber then nominated Mr. W. B. Troy for sergeant-at-arms, and there being no other nominations

The roll was called and

Those voting for Mr. Troy were

Messrs. Allen, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Troy having received a majority of all the votes cast was declared duly elected sergeant-at-arms.

Mr. Mead then nominated Mr. H. E. Dewey for clerk of the judiciary committee, and there being no other nominations

The roll was called and

Those voting for Mr. Dewey were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Dewey having received a majority of all the votes cast was declared duly elected clerk of the judiciary committee.

Mr. Hughes then nominated the Rev. Caleb Ben-Ham for chaplain and there being no other nominations

The roll was called, and

Those voting for Mr. Ben-Ham were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Ben-Ham, having received a majority of all the votes cast, was declared duly elected chaplain.

On motion of Mr. Hughes,

The Council then took a recess of one hour, and

Upon being called to order,

Mr. Mead nominated Mr. Chase Cummings for messenger, and, there being no other nominations,

The roll was called, and

Those voting for Mr. Cummings were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Cummings, having received a majority of all the votes cast, was declared duly elected messenger.

Mr. Collins then nominated Mr. M. W. Spaulding for door-keeper, and there being no other nominations

The roll was called, and

Those voting for Mr. Spaulding were—

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President—23.

Mr. Spaulding having received a majority of all the votes cast, was then declared duly elected door-keeper.

Mr. Foster then offered the following resolution, which was adopted:

Resolved. That a committee of three be appointed to wait on the governor and inform his excellency that the Council is now permanently organized and ready for the transaction of business and is prepared to receive any communication which he may be prepared to make.

Mr. President appointed as such committee

Messrs. Foster, Donovan and Campbell.

Mr. Smith moved

That the rules of the Sixteenth session be adopted for the government of the Council until otherwise ordered.

The motion prevailed.

Mr. Wallace, assistant clerk, Mr. Starling, enrolling clerk, and Mr. Troy, sergeant-at-arms, then presented themselves and the oath of office was administered to them by Mr. President.

Mr. President then appointed Mr. Sidney S. Hitsman as assistant sergeant-at-arms, Mr. John Little as watchman, and Masters Henry Newton and Arthur E. Linn as pages.

Mr. Hughes then moved

That the Council adjourn until to-morrow at 12 o'clock noon.

Which motion was agreed to.

T. A. KINGSBURY,

Chief Clerk.

SECOND DAY.

BISMARCK, January 12, 1887.

The Council met pursuant to adjournment, the president in the chair, and was opened by prayer by the chaplain.

The roll was called and the members all responded to their names.

The journal of yesterday was read and approved.

Mr. Hughes offered the following resolution,

Which was adopted:

Resolved, That the chief clerk inform the House of Representatives that the Council is now organized and ready for the transaction of business and to receive any communications.

Mr. McCumber moved

That the president be requested to now announce the names of the committee on Rules.

The motion prevailed, and

The president announced as such committee Messrs. McCumber, Washabaugh, Hughes, Smith and Campbell.

Mr. Dewey, the clerk of the Judiciary Committee, Mr. Cummings, the messenger, and Mr. Hitsman, assistant sergeant-at-arms, then advanced and took the oath of office, which was administered by the president.

The following communication was received:

To the Honorable the President of the Council:

SIR: On behalf of Governor Pierce and the officers of the Territory, an invitation is extended to you and the mem-

bers of the Legislative Council to attend a reception given by them at 8 o'clock this evening at the Capitol, to Hon. L. K. Church and the members of the Legislative Assembly.

E. W. CALDWELL.

Mr. Hughes moved

That the invitation be accepted and that the clerk be instructed to acknowledge receipt and give proper notice of the acceptance thereof.

Mr. Cain moved

That the Council take a recess until 2 o'clock.

Which motion was agreed to.

At 2 o'clock the Council was called to order by the president, when the following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to inform your honorable body that the House is now organized by the election and qualification of the following officers, viz.:

Speaker, Geo. C. Crose.

Chief Clerk, W. G. Eakins.

Assistant Clerk, J. G. Hamilton.

Bill Clerk, J. W. Cone.

Enrolling and Engrossing Clerk, O. K. Bullard.

Assistant Engrossing and Enrolling Clerk, Miss Clara J. Kelly.

Sergeant-at-Arms, H. C. Rorapaugh.

Assistant Sergeant-at-Arms, O. N. Rupell.

Watchman, M. Flick.

Doorkeeper, J. T. Warnken.

Chaplain, Wm. F. Cook.

Messenger, Daniel Shields.

Very Respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Collins offered the following resolution :

Resolved, That a committee of the Council be appointed by the President to confer with a like committee of the House to wait upon the Governor to inform His Excellency that the Legislature is now organized and ready to meet in joint session to receive any message he may have to deliver.

The resolution was adopted and

The President appointed as such committee (Mr. Collins requesting to be excused from service thereon) Messrs. Galloway, Mead and Bogert.

The following message was received from the Council:

MR. PRESIDENT:

I have the honor to inform the Council that the Speaker of the House of Representatives has appointed Messrs. Williams, Pruitt and Hawk as members on the part of the House of a joint committee to wait upon his Excellency the Governor, and inform him of the organization of the Legislative Assembly, and that it is ready to receive any communication that he may be pleased to make.

W. G. EAKINS.
Chief Clerk.

Mr. Galloway, chairman of the Special Committee, reported that the committee had discharged the duty for which they were appointed, and that his Excellency, in person, would communicate with the Legislative Assembly at 3 o'clock P. M.

At 3 o'clock P. M., the two houses of the Legislative Assembly met in joint convention, when his Excellency delivered his message to the Assembly.

At 4:30 P. M. the Council returned to its chamber, the president in the chair.

Mr. Cain moved,

That 2,500 copies of the Governor's Message be printed for the use of the Council.

Which motion prevailed.

Mr. Hughes offered the following joint resolution, and moved its adoption:

Joint resolution providing for the furnishing to each member of the Legislative Assembly one copy of the Revised Statutes and Session Laws.

Resolved, That the Secretary of the Territory be, and he is hereby, requested to furnish to each member of the Legislative Assembly one copy of the Revised Code of 1877, and one copy each of all such Session Laws as have been published since said Code, if he has such books in his possession.

The resolution was adopted.

Mr. Wells moved

That the Council now adjourn until to-morrow at 2 o'clock P. M.

The motion prevailed and

The president declared the Council adjourned until 2 o'clock to-morrow.

T. A. KINGSBURY,
Chief Clerk.

THIRD DAY.

BISMARCK, January 13, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

The journal of yesterday was read and approved.

Mr. McCumber from the committee on rules reported as follows, moving the adoption of the report:

BISMARCK, D. T., Jan. 13, 1887.

MR. PRESIDENT:

Your committee on rules beg leave to report that pursuant to notice they met and considered the Standing Rules of the Council adopted by said body on the 11th inst., and in their opinion for the better prosecution of the business of said body and the proper and just consideration of such matters as may come before it the said Rules should be amended as follows:

Rule No. 1. By striking out the words "ten o'clock a. m." and inserting in lieu thereof the words "two o'clock p. m."

Rule No. 2. By striking out the word "six" and inserting in lieu thereof the word "three."

Rule No. 6. By inserting after the word "a" and before the word "vote" in the third line thereof the word "two-thirds" and also inserting after the word "Council" and before the word "but" in said line, the word "present."

Rule No. 29. By striking out the word "Jefferson's" and

inserting in lieu thereof the word "Cushing's."

Rule No. 32. By adding after the word "first" the words "and before the second."

Rule 36. By striking out the figure "5" in sub-divisions 6, 10, 12, 16, 19 and 22 where they appear in said divisions and inserting in lieu thereof the figure "7." and as thus amended your committee respectfully recommend the adoption of said rules.

P. J. McCUMBER,
Chairman.

Mr. Dodge moved
That the report be adopted.
Which motion prevailed.

Mr. Cain moved
That the report be amended so as to provide that the hour of meeting be 10 o'clock a. m. and
The ayes and nays being called for
The roll was called and there were ayes, 9; nays, 15.

Those who voted in the affirmative were—
Messrs. Bogert, Cain, Foster, Grigsby, Mead, Sheldon of Hand, Smith, Washabaugh, Wells.

Those who voted in the negative were—
Messrs. Allin, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Weiser, Mr. President.

So the motion was lost.

The question then recurring on the motion for the adoption of the report
The motion prevailed.

The rules adopted, as amended, are as follows:

RULES OF THE COUNCIL.

SEVENTEENTH SESSION.

ORDER OF DAILY BUSINESS.

After calling the Council to order, the following order shall govern:

1. Prayer by the Chaplain.
2. Calling the Roll.

3. Reading the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Motions and Resolutions.
8. Introduction of Bills, Joint Resolutions and Memorials.
9. Consideration of Messages from the House.
10. First Reading of Bills, Joint Resolutions and Memorials.
11. Second Reading of the same.
12. Third Reading of the same.
13. First Reading of House Bills.
14. Second Reading of House Bills, Joint Resolutions and Memorials.
15. Third Reading of the same.
16. Consideration of General Orders.
17. Unfinished Business.

RULES. •

1. The President shall take the chair at 2 o'clock p. m., or the hour to which the Council was adjourned, and call the Council to order; and if a quorum be present he shall direct the Journal of the preceding day to be read, and mistakes or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council.

2. Three members may have a call of the Council, and compel the attendance of absent members, until the call be dispensed with by a majority of the members present.

3. Questions shall be put in this form: "As many as are of the opinion that (as the case may be) say 'Aye:'" and after the affirmative voice is expressed: "As many as are of the contrary opinion say 'No.'" If the President doubt, or a division be called for, the Council shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative.

4. All motions, except to adjourn, postpone or commit, shall be reduced to writing, if required by any member of the Council. Any motion may be withdrawn by consent of the Council.

5. No member shall INTERRUPT THE BUSINESS of the

Council, while the journals or public papers are being READ, or when any member is SPEAKING in debate.

6. Every member present when the question is put shall vote unless he shall, for special cause, be excused by a two-thirds vote of the Council present; but no member shall vote on any question in which he is directly or personally interested, or in any case where he was not present when the question was put.

7. When any member is about to speak in debate, or debate any matter in the Council, he shall rise from his seat and respectfully address himself to Mr. President, and stand in his place until recognized by the Chair, and shall confine himself to the question under debate, and avoid personalities and the implication of improper motives.

8. When a question is under debate no motion shall be received but

- 1st. To adjourn;
- 2d. To lie on the table;
- 3d. For the previous question;
- 4th. To postpone to a day certain;
- 5th. To commit or amend; and
- 6th. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition.

9. When two members rise, the president shall name the member to speak, but in all cases the member who shall first rise and address the chair shall speak first.

10. If any member in speaking, or otherwise, transgress the rules of the Council, the presiding officer shall, or any member may, CALL TO ORDER, and when a member shall be called to order by the president; or a member of the Council, he shall sit down, and shall not proceed without leave of the Council.

11. Every QUESTION OF ORDER shall be decided by the President, subject to an APPEAL to the Council, and the President may call for a sense of the Council on any question of order.

12. If any member be called to order by another member for words spoken, the EXCEPTIONABLE WORDS shall im-

mediately be taken down in writing, that the Council may be better able to judge of the matter.

13. A motion to adjourn, and to lay on the table, shall be decided without debate.

14. Any member may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct, that on being taken away a substantive proposition shall remain for the decision of the Council. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor motions to strike out and insert.

15. No motion shall be DEBATED until the same shall be seconded and stated by the president.

16. When the READING of a paper is called for, and the same is OBJECTED to by any member, it shall be determined by the Council.

17. The UNFINISHED BUSINESS in which the Council was engaged at the last preceding adjournment, shall have the preference in the special order of the day.

18. Every bill and joint resolution shall be introduced on the report of a committee, or on a call for bills and joint resolutions, or by a motion for leave.

19. Every bill shall receive three several readings in the Council previous to its passage; and bills shall be dispatched in order as they are introduced, unless where the Council shall direct otherwise, but no bill shall have its SECOND and THIRD readings on the same day without a suspension of this rule.

20. The first and second reading of every bill introduced in the Council shall be by its title, unless the reading at length is called for.

21. The first reading of a bill shall be for information, and the bill shall be presented and go to its second reading without further question.

22. Upon the second reading of a bill or joint resolution, the president shall state that it is ready for commitment, and shall refer it to its appropriate committee unless the Council shall, upon motion, decide to refer the same to a

select or other standing committee, or to a committee of the whole Council; if to a committee of the whole Council then it shall come up for consideration under the general order of the next day, unless otherwise ordered by the Council.

23. No bill or resolution requiring the concurrence of both Houses, shall be committed or amended until it shall have been twice read.

24. On the third reading of every bill or resolution, it shall be at length, and any amendment may be received, and it may be recommitted at any time previous to its final passage.

25. In filling blanks the largest sum and longest time shall be first put.

26. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration on the same or the following day; but when a motion to reconsider shall be laid on the table, a motion to reconsider can not again be made.

27. Before acting on Executive business, the Council Chamber shall be cleared by direction of the President, of all persons except members, the Chief Clerk and Sergeant-at-Arms to be sworn.

28. No standing rule or order of the Council shall be reconsidered or suspended, except by a vote of two-thirds of the members present; and no motion to suspend the rules and pass a bill shall be entertained except by unanimous consent unless the bill shall have been first printed and considered by a committee.

29. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Council, and the joint rules of the Council and House of Representatives.

30. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare, openly and without debate, his assent or dissent to the question. In taking the ayes and noes upon the call of the House, the names of the members shall be taken alpha-

betically, except that the President's name shall be called last, as "Mr. President."

31. On the passage of all bills and joint resolutions, the ayes and noes shall be taken.

32. All bills and joint resolutions, after the first and before the second reading, shall be printed, unless otherwise ordered by the Council.

33. On questions of sustaining the chair, when his decision is appealed to the Council, the President cannot vote.

34. A majority of all the members of the Council, voting for a resolution to remove the President, shall be sufficient to vacate the chair; and a majority of the votes cast, if a quorum be present, shall be sufficient to sustain an appeal from his decision.

35. In case of the absence of the President, from sickness, or other cause, the Council may elect a president **PRO TEM.** to perform his duties during such absence.

36. There shall be appointed by the Chair the following standing committees :

1. Judiciary—7 members.
2. Education—5 members.
3. Elections—5 members.
4. Appropriations—7 members.
5. Railroads—7 members.
6. Revenue—7 members.
7. Territorial Affairs—5 members.
8. Federal Relations—5 members.
9. Counties—7 members.
10. City and Municipal Corporations—7 members.
11. Public Buildings—5 members.
12. Public Printing—7 members.
13. Mines and Minerals—5 members.
14. Agriculture—5 members.
15. Engrossed and Enrolled Bills—5 members.
16. Insurance—7 members.
17. Banks and Banking—5 members.
18. Public Health—5 members.
19. Warehouse and Grain Grading—7 members.
20. Incorporations—5 members.
21. Military Affairs—5 members.
22. Charitable and Penal Institutions—7 members.
23. Immigration—5 members.

24. Highways, Bridges and Ferries—5 members.

25. Rules—5 members.

And the committee report the following as an additional standing committee, viz.: Committee on apportionment consisting of one member from each Council district.

37. The Chair cannot change a committee after it has been once formed, without the consent of the Council.

38. A quorum for the transaction of business shall consist of a majority of the members elected to the Council.

39. No person shall be admitted within the bar of the Council but the Executive, members of the House, Territorial officers, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress and the Legislative Assembly, and all Federal officials of the Territory.

INTRODUCTION OF BILLS.

Mr. Hughes introduced—

Council Bill No. 1. A bill for an act to provide for the appointment and to prescribe the duties of a Public Examiner for the Territory of Dakota,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 2. A bill for an act to regulate Grain Warehouses and the Inspection, Weighing and Handling of Grain and defining the duties of the Railroad and Warehouse Commission in relation thereto,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 3. A bill for an act to provide for the Taxation of Persons, Copartnerships, Associations, Car-loaning Companies, Sleeping Car Companies, Corporations and Fast Freight Lines engaged in the business of running cars over any of the railroads in this Territory and not being the exclusive property of any railroad company paying taxes on their gross receipts,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 4. A bill for an act prescribing the mode for Listing, Assessing and the Levy and Collection of Taxes and for Other Purposes,

Which was read the first time.

Mr. Foster introduced—

Council Bill No. 5. A joint resolution providing for certain Public Printing and making an appropriation for the same,

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 6. A bill for an act entitled an act for the creation of a Board of Railroad and Warehouse Commission for the Territory of Dakota, and for the Regulation of Common Carriers,

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 7. A bill for an act to create the office of Public Examiner, defining the duties and dividing the Territory into two Examiner's districts,

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 8. A bill for an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the principal and interest thereon.

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 9. A bill for an act entitled an act amending chapter 40 of the Acts of the Fifteenth General Assembly.

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 10. A bill for an act repealing sections 12 to 18, inclusive, chapter 20.

Which was read the first time.

Mr. Collins introduced—

Council Bill No. 11. A bill for an act regulating the fees of Register of Deeds.

Which was read the first time.

Mr. Mead introduced—

Council Bill No 12. A joint resolution and memorial to the Congress of the United States, praying the passage of what is known as the Dawes Bill, which provides for opening a portion of the Sioux Indian reservation in Dakota.

Which was read the first time.

Mr. Grigsby introduced—

Council Bill No. 13. A bill for an act entitled an act to legalize an election held in the city of Sioux Falls, and for other purposes.

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 14. A joint resolution authorizing the employment of certain officers for the Council, and fixing the compensation thereof.

Which was read the first time.

Mr. Hughes moved

That the rules be suspended, and that

Council Bill No. 12 be read the second and third times and be put upon its passage.

The motion prevailed, and

Council Bill No. 12. A joint resolution and memorial to the Congress of the United States, praying the passage of what is known as the Dawes Bill, which provides for opening a portion of the Sioux Indian reservation in Dakota,

Was read the second and third times, and the question being, Shall the Bill pass, and

The roll being called, there were ayes, 24; nays, none.

Those voting in the affirmative were—

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the bill passed, and the question being as to its title, and being put,

The title was agreed to.

Mr. Hughes offered the following resolution and moved its adoption:

Resolved, That the message of the Governor be made a special order for Monday next at 3 o'clock in the afternoon.

The resolution was adopted.

Mr. Campbell moved

That the rules be suspended and that

Council Bill No. 14 be read the second time, and

The ayes and nays being called for and

The roll being called, there were ayes, 20; nays, 2.

Those voting in the affirmative were—
 Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan,
 Ericson, Foster, Galloway, Harstad, Hughes, Lawler,
 Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith,
 Weiser, Wells Mr. President.

Those voting in the negative were—
 Messrs. McCumber, Washabaugh.

Absent and not voting—
 Messrs. Bogert, Grigsby.

So the motion prevailed and
 Council Bill No. 14, A joint resolution authorizing the
 employment of certain officers for the Council and fixing
 the compensation thereof,

Was read the second time.

Mr. Campbell moved
 That the rules be again suspended and
 That the bill be read the third time and put upon its
 passage, and a

Division being called for a rising vote was had, and
 Those voting in the affirmative were 12 and those voting
 in the negative were 7.

So the motion was lost.

Mr. Galloway moved
 That the Council do now adjourn

The motion prevailed and the president announced
 That the Council stood adjourned.

T. A. KINGSBURY,
 Chief Clerk.

FOURTH DAY.

BISMARCK, Jan, 14, 1887.

The Council met pursuant to adjournment, and was
 called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to
 their names.

The Journal of yesterday was read,

Whereupon.

Mr. McCumber moved

That the Journal be corrected by the insertion, following the report of the Committee on Rules of a motion made by Mr. Dodge that the report be adopted.

The motion prevailed, and

The Journal was corrected accordingly.

The Journal as corrected was then approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives has concurred in the following Joint Resolution providing for the furnishing to each member of the Legislative Assembly one copy of the Revised Statutes and Session Laws:

Resolved, That the secretary of the Territory be and he is hereby requested to furnish to each member of the Legislative Assembly one copy of the Revised Code of 1877 and one copy of each of such Session Laws as have been published since said Code, if he has such books in his possession.

Yours Respectfully,

W. G. EAKINS,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

The following petition was presented by Mr. Gallo-way:

To the Honorable Governor, Assemblymen, and Representatives of the Territory of Dakota:

WHEREAS, The laws of Dakota on the marriage relation are vague and subject to a great amount of abuse;

THEREFORE, We, the undersigned Baptist pastors and missionaries assembled in a ministers' union, in the city of Fargo, November 11, 1886, would petition your honorable body, that, some time during the coming session, you pass a stringent marriage license and registration law.

(Signed.)

J. R. DECKARD, Bismarck.

C. S. HERRINGTON, Page.

J. A. H. JOHNSON, Fargo.

J. M. McFARLAND, St. Thomas.
 A. M. ALLYN, Tower City,
 E. E. TYSON, New Rockford.
 S. W. STEVENS, Fargo.
 E. F. JORDEN, Lisbon.
 J. A. MAMIE, Devils Lake.
 PETER GRANT, Park River.
 C. F. DANE, Steele.
 G. H. DAWES, Hamilton.
 G. W. HUNTLEY, Fargo.
 JOHN H. HARTMAN, Jamestown.
 ALEXANDER McDONALD, Grafton.
 JOHN CRAWFORD, St. Thomas.
 CHARLES A. RICE, LaMoure.
 C. J. JOHNSON, Grand Forks.
 W. T. WILLIAMS, Tower City.

Mr. Bogert presented the following petition:

The Synod of Dakota of the Presbyterian church, in session in Aberdeen, Dakota, Oct. 16, 1886, respectfully petitions the Legislature of Dakota to enact a law requiring the contracting parties in cases of marriages to first procure a license from some proper authority—and further requiring that certificates of said marriages be duly recorded by the Clerk of the District Court in the records of the county in which the marriage ceremony is performed.

INTRODUCTION OF BILLS.

Mr. Hughes introduced—

Council Bill No. 15. A bill for an act establishing the Dakota Experimental Farm and Forestry Institution, and providing for the government and maintenance of the same,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 16. A bill for an act to provide for the support of indigent soldiers and sailors and their families,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 17. A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers and for recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes,

Which was read the first time.

Mr. Cain introduced—

Council Bill No. 18. A bill for an act to amend chapter 28 of the Political Code of the Territory of Dakota, approved Feb. 17, 1877,

Which was read the first time.

Mr. Galloway introduced—

Council Bill No. 19. A bill for an act regulating marriages and the solemnization thereof.

Which was read the first time.

Mr. Galloway introduced—

Council Bill No. 20. A bill for an act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

Which was read the first time.

Mr. Galloway introduced—

Council Bill No. 21. A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Which was read the first time.

Mr. McCumber introduced—

Council Bill No. 22. A bill for an act extending the time in which taxes shall become delinquent, and to reduce the penalty and interest thereon.

Which was read the first time.

Mr. McCumber introduced—

Council Bill No. 23. A bill for an act to provide for the better maintenance and to improve the efficiency of the Volunteer Fire Companies of the Territory of Dakota.

Which was read the first time.

Mr. Wells introduced—

Council Bill No. 24. A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883,

Which was read the first time.

Mr. Mead introduced—

Council Bill No. 25. A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.

Which was read the first time.

Mr. Mead introduced—

Council Bill No. 26. A bill for an act providing how tickets shall be prepared for elections.

Which was read the first time.

Mr. Ericson introduced—

Council Bill, No. 27. A bill for an act entitled an act amending section 610 of the Code of Civil Procedure.

Which was read the first time.

Mr. Dodge introduced—

Council Bill, No. 28. A bill for an act to appropriate for the support of Fire Departments of each city, town or village in the Territory of Dakota, a part of the tax paid by Fire Insurance Companies upon premiums received in any such town, city or village.

Which was read the first time.

Mr. Foster introduced—

Council Bill, No. 29. A bill for an act to authorize the organization of societies for mutual protection against larcenies of live stock,

Which was read the first time.

Mr. Allin introduced—

Council Bill, No. 30. A bill for an act regulating fees of printers and for other purposes,

Which was read the first time.

Mr. Allin introduced—

Council Bill, No. 31. A bill for an act entitled an act relative to the election of county treasurers, prescribing their duties, fees and salary,

Which was read the first time.

Mr. Bogert introduced—

Council Bill, No. 32. A joint resolution providing for the publication of 500 copies of an act of the Congress of the United States, entitled "an act to prohibit the passage of local or special laws in the Territories of the United States, to limit territorial indebtedness, and for other purposes,"

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives has passed the following Joint Resolution for procuring daily and weekly newspapers for the members of the House of Representatives:

Be it Resolved, By the House of Representatives, the Council concurring, that the chief clerk of the House be and is hereby instructed to procure six daily, or their equivalent in weekly newspapers for each member for the use of the members of the House of Representatives.

Yours Respectfully,
W. G. EAKINS,
Chief Clerk.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 1. A bill for an act to provide for the appointment and to prescribe the duties of a Public Examiner for the Territory of Dakota.

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 2. A bill for an act to regulate Grain Warehouses and Inspection, Weighing and Handling of Grain, and defining the duties of the Railroad and Warehouse Commission in relation thereto.

Was read the second time, and
Referred to the Committee on Warehouse and Grain Grading.

Council Bill No. 3. A bill for an act to provide for the Taxation of Persons, Co-partnerships, Associations, Car-Loaning Companies, Sleeping Car Companies, Corporations and Fast Freight Lines engaged in the business of running cars over any of the railroads in this Territory, and not being the exclusive property of any railroad company paying taxes on their gross receipts,

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 4. A bill for an act prescribing the mode for Listing, Assessing and the Levy and Collection of Taxes and Other Purposes.

Was read a second time, and
Referred to the Committee on Revenue.

Mr. Bogert asked
That the Council by unanimous consent
Revert to the ninth order of business and take up
the
House resolution in relation to newspapers.

Consent being given,
Mr. Cain moved

That the resolution be referred to the Committee on Printing.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

To the Honorable the President of the Council:

SIR: I have the honor to inform the Council that the House of Representatives has this day concurred in Council Bill No. 12. A joint resolution and memorial to the Congress of the United States praying for the passage of what is known as the Dawes Bill, which provides for opening a portion of the Sioux Indian Reservation in Dakota, and the same is returned herewith.

Very respectfully,
W. G. EAKINS,
Clerk.

STANDING COMMITTEES.

The president announced the appointment of standing committees as follows:

JUDICIARY—Hughes, Dodge, Grigsby, McCumber, Mead, Lawler, Bogert.

EDUCATION—Ericson, Donovan, Martin, Wells, Collins.

ELECTIONS—Mead, Ericson, Allin, Wells, Martin.

APPROPRIATIONS—Campbell, Dodge, Grigsby, Hughes, Smith, Collins, Lawler.

RAILROADS—Collins, Sheldon of Day, Foster, Lawler, Donovan, Cain, Dodge.

REVENUE—Galloway, Ericson, Allin, Mead, Hughes, Washabaugh, McCumber.

TERRITORIAL AFFAIRS—McCumber, Foster, Lawler, Washabaugh, Allin.

FEDERAL RELATIONS—Martin, Galloway, Cain, Campbell, Sheldon of Hand.

COUNTIES—Wells, Sheldon of Day, Martin, Dodge, Donovan, Weiser, Ericson.

CITIES AND MUNICIPAL CORPORATIONS—Weiser, Grigsby, Allin, Cain, Galloway, Campbell, Smith.

PUBLIC BUILDINGS—Lawler, Wells, Hughes, Weiser, Galloway.

PUBLIC PRINTING—Cain, Washabaugh, Sheldon of Day, Dodge, Harstad, Sheldon of Hand, Donovan.

MINES AND MINERALS—Washabaugh, Weiser, Wells, Mead, Martin.

AGRICULTURE—Allin, Sheldon of Hand, Harstad, Martin, McCumber.

ENGROSSED AND ENROLLED BILLS—Mead, Ericson, Cain, Campbell, Collins.

INSURANCE—Bogert, Washabaugh, Mead, Galloway, Martin, Allin, Donovan.

BANKS AND BANKING—Grigsby, Weiser, Bogert, Sheldon of Day, Lawler.

PUBLIC HEALTH—Donovan, Galloway, Foster, Sheldon of Hand, Martin.

WAREHOUSE AND GRAIN GRADING—Sheldon of Day, Allin, Grigsby, Weiser, Sheldon of Hand, Harstad, Hughes.

INCORPORATIONS—Dodge, Wells, Mead, McCumber, Campbell.

MILITARY AFFAIRS—Foster, Campbell, Weiser, Ericson, Hughes.

CHARITABLE AND PENAL INSTITUTIONS—Smith, Dodge, Donovan, Grigsby, Foster, Washabaugh, Hughes.

IMMIGRATION—Harstad, Mead, McCumber, Bogert, Ericson.

HIGHWAYS, BRIDGES AND FERRIES—Sheldon of Hand, Collins, Mead, Smith, Wells.

RULES—McCumber, Washabaugh, Hughes, Smith, Campbell.

Mr. Lawler asked to be excused from attendance at the sessions of the Council until Wednesday next.

Mr. Foster moved
That the request be granted,
Which motion prevailed.

Mr. Bogert moved
That the Council take a recess for a half hour.
Which motion prevailed.

Upon the Council being called to order by
The president in the Chair

Mr. Dodge moved
That the rules be suspended and

That the Committee on Public Printing be permitted to submit a report,

Which motion prevailed, and,

The committee reported as follows:

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred House Joint Resolution providing for furnishing daily and weekly newspapers to the members of the House of Representatives, respectfully report that they have had the joint resolution under consideration, and that they unanimously recommend that the Council do not concur in said joint resolution.

JOHN CAIN,
Chairman.

Mr. Cain moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Bogert moved

That the rules be suspended and that

Council Bill No. 32,

Be read the second and third time and put upon its passage.

Which motion prevailed, and

Council Bill No. 32. A joint resolution providing for the publication of 500 copies of an act of the Congress of the United States, entitled, An act to prohibit the passage of local or special laws in the Territories of the United States to limit territorial indebtedness and for other purposes

Was read the second and third times, and the question being,

Shall the bill pass,

The roll being called, there were ayes, 23; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells and Mr. President.

So the bill passed, and the question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives has this day passed a joint resolution authorizing the Secretary of the Territory to purchase seventy-two copies of the second edition of Levisée's Code, with the Session Laws of 1885 bound therein, and making an appropriation for the payment of the same. The same is herewith transmitted and your concurrence therein respectfully requested.

Very Respectfully,
W. G. EAKINS,
Clerk.

Mr. Cain moved
That the rules be suspended and that the House resolution relating to the supply of newspapers for the members of that body be taken up and put on its passage,

Which motion prevailed.

Mr. Hughes moved
That the resolution be recommitted to the Committee on Public Printing,
Which motion prevailed.

The president then appointed Mr. George L. Hunt official stenographer of the Council.

Mr. Bogert moved
That the Council do now adjourn,
Which motion prevailed, and the president announced that the

Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

FIFTH DAY.

BISMARCK, Jan. 15, 1887.

The Council met pursuant to adjournment, and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Messrs. Cain and Lawler, who were excused.

The Journal of yesterday was read and approved.

REPORT FROM THE SECRETARY.

The following communication was received from the secretary of the Territory:

To the President of the Council:

SIR: In response to the resolution passed by the Council requesting the secretary to furnish to each member a copy of the Codes of 1877 and such Session Laws as have since been published, I have the honor to report the following volumes of such Codes and Session Laws as are in my possession:

Codes of 1877, 14 volumes.

Session Laws 1879, 70 volumes.

Session Laws 1881, 98 volumes, half bound.

Session Laws 1881, 7 volumes, pamphlet.

Session Laws 1883, none.

Session Laws 1885, none.

Very Respectfully,

M. L. McCORMACK,

Secretary of Dakota Territory.

The Committee on Public Printing reported as follows:

MR. PRESIDENT:

Your Committee on Public Printing, to whom was re-committed House joint resolution providing for furnishing papers to the members of the House of Representatives, respectfully report that they have had the same under consideration, and that they unanimously recommend that the Council do not concur in said joint resolution.

JOHN CAIN,

Chairman.

Mr. Washabaugh moved
That the report be adopted.
Which motion prevailed.

CONCURRENT RESOLUTION.

Mr. Sheldon, of Day, offered the following resolution:

Resolved, That the president of the Council appoint a committee of three members of this body to confer with a

like committee from the House of Representatives for the purpose of determining what arrangement may be made toward providing transportation, without personal charge, to his excellency the governor of Dakota, the chiefs of the several departments, and the members and officers of both Houses of this Legislature, between the Capitol building and their present places of abode, during this present session of the General Assembly.

Mr. McCumber moved

That the resolution be adopted.

The motion prevailed, and

The president appointed as such committee Messrs. Sheldon, McCumber and Wells.

INTRODUCTION OF BILLS.

Mr. Dodge introduced—

Council Bill No. 33. A bill for an act providing for the appointment of certain subordinate officers of the Territorial Council and House of Representatives, and for the compensation and payment thereof,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 34. A bill for an act to define the incompatibility of officers within the Territory of Dakota,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 35. A bill for an act abolishing the office of county assessor in certain cases and creating the office of district assessor, and for other purposes.

Which was read the first time.

Mr. Galloway introduced—

Council Bill No. 36. A memorial to the Senate and House of Representatives of the United States in relation to land titles,

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 37. A bill for an an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisements,

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 38. A bill for an act to amend section 295, article 10, of the Code of Civil Procedure, in relation to the manner of giving, entering and satisfying judgments,

Which was read the first time.

Mr. McCumber introduced—

Council Bill No. 39. A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure of the same,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 40. A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory and to prescribe the rate of interest thereon,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 5. A joint resolution providing for certain public printing and making an appropriation for the same,

Was read the second time and

Referred to the Committee on Public Printing.

Council Bill No. 6. An act entitled an act for the creation of a board of railroad and warehouse commission for the Territory of Dakota, and for the regulation of common carriers,

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 7. An act to create the office of public examiner, defining the duties and dividing the Territory into two examiner's districts,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 8. A bill for an act entitled an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the principal and interest thereof.

Was read the second time, and

Referred to the Committee on Counties.

Council Bill No. 9. A bill for an act entitled an act amending chapter 40 of the Acts of the Fifteenth General Assembly.

Was read the second time, and
Referred to the Committee on Education.

Council Bill No. 10. An act repealing sections 12 to 18, inclusive, chapter 20.

Was read the second time, and
Referred to the Committee on Counties.

Council Bill No. 11. An act regulating the fees of registers of Deeds.

Was read the second time, and
Referred to the Committee on Counties.

Council Bill No. 13. A bill for an act entitled an act to legalize an election held in the city of Sioux Falls, and for other purposes.

Was read the second time, and
Referred to the Committee on Judiciary.

Council Bill No. 14. A joint resolution authorizing the employment of certain officers for the Council.

Was read the second time, and
Referred to the Committee on Appropriations.

Council Bill No. 16. A bill for an act to provide for the support of indigent soldiers and sailors and their families.

Was read the second time, and
Referred to the Committee on Territorial Affairs.

Council Bill No. 17. A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers and for recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes.

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 18. A bill for an act to amend chapter 28 of the Political Code of the Territory of Dakota, approved Feb. 17, 1877.

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 20. A bill to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota.

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 21. A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 22. An act extending the time in which taxes shall become delinquent, and to reduce the penalty and interest thereon,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 23. An act to provide for the better maintenance and to improve the efficiency of the volunteer fire companies of the Territory of Dakota,

Was read the second time and
Referred to the Committee on Insurance.

Council Bill No. 24. A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883.

Was read the second time and
Referred to the Committee on Mines and Mining.

Council Bill No. 25. A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 26. A bill for an act providing how tickets shall be prepared for elections,

Was read the second time and
Referred to the Committee on Elections.

Council Bill, No. 27. A bill for an act entitled an act amending section 610 of the Code of Civil Procedure

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill, No. 28. A bill for an act to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by fire insurance companies upon premiums received in any such town, city or village.

Was read the second time and
Referred to the Committee on Insurance.

Council Bill, No. 29. A bill for an act to authorize the organization of societies for mutual protection against larcenies of live stock,

Was read the second time and
Referred to the Committee on Agriculture.

Council Bill, No. 30. A bill for an act regulating fees of printers, and for other purposes.

Was read the second time and

Referred to the Committee on Public Printing.

Council Bill, No. 31. A bill for an act entitled an act relative to the election of county treasurer, prescribing their duties, fees and salaries.

Was read the second time and

Referred to the Committee on Counties.

READING OF HOUSE BILLS.

House File No. 5. A joint resolution providing for the purchase of seventy-two copies of Levissee's Code, with the session laws of 1875 bound therein,

Was read the first time.

Mr. Dodge moved—

That the Committee on Rules be instructed to promulgate and report to the Council a rule to be known as

Rule No. 40, requiring members of this council introducing bills in the nature of amendments to laws now existing to designate in the title of such amendatory act the title of the act sought to be amendment.

The motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Washabaugh offered the following resolution and moved its adoption.

Resolved, That the president of the Council and speaker of the House of Representatives be and hereby are authorized and directed to appoint a committee of five, consisting of two members of the Council and three members of the House, who shall constitute a committee on joint rules.

The motion prevailed, and

The president appointed as members of such committee Messrs. Washbaugh and Hughes.

Mr. Smith offered the following resolution, and moved its adoption:

Be it Resolved, That the chief clerk of the Council be and he hereby is directed to place all bills and joint resolutions in the hands of the secretary of the territory immediately after the first reading thereof, and in the order in which they are introduced, and numbered, and the secretary of the territory is requested to cause such bills and joint resolutions to be printed in the order which they are

received and numbered; and when so printed they shall be returned to the Council and distributed in the same order.

The resolution was adopted.

The oath of office was then administered to Mr. M. W. Spaulding, the doorkeeper, by the president.

Mr. Foster then moved

That the rules be suspended and that

The privileges of the floor be extended to Mr. H. L. Loucks, president of the Farmers' Alliance of Dakota,

The motion prevailed.

Mr. Hughes moved

That the Council do now adjourn.

The motion prevailed and the president announced

That the Council stood adjourned.

T. A. KINGSBURY,

Chief Clerk.

SEVENTH DAY.

BISMARCK, January 17, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Messrs. Donovan, Dodge, Weiser and Lawler.

Mr. Washbaugh moved

In view of the fact that the Journal of Saturday's proceedings had not been returned by the printer that the reading of the Journal be dispensed with.

Which motion prevailed.

REPORTS OF COMMITTEES.

Mr. Washabaugh reported as follows:

MR. PRESIDENT:

Your Committee on Mines and Minerals, to whom was referred

Council Bill, No. 24. Being a bill for an act to

amend section 3 of chapter 94 of the Session Laws passed in the year 1883. respectfully report that they have had the same under consideration, and that they unanimously recommend that the bill do pass.

FRANK J. WASHABAUGH,
Chairman.

Mr. Allin submitted the following report:

MR. PRESIDENT:

Your Committee on Agriculture having duly considered Council Bill No. 29. A bill for an act to authorize the organization of societies for mutual protection against larcenies of live stock referred to them, beg leave to report that upon such consideration they unanimously recommend that such bill do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriation, to whom was referred

Council Bill, No. 14,

Beg leave to report the same back with the recommendation that it do pass with the following amendments viz: :

After the word "affairs" in line six insert the words, "Committee on Banks and Banking."

Strike out the words "nightwatch man." in line eleven and insert in lieu thereof the word, "janitor."

Strike out the words, "night watchman," in line thirteen and insert in lieu thereof the word "janitor."

A. W. CAMPBELL,
Chairman.

Mr. Galloway submitted the following report:

MR. PRESIDENT:

Your Committee on Revenue have had under consideration

Council Bill, No. 22,

And I am directed to report the same back to the House with the recommendation that the bill be amended by striking out all after the enacting clause and inserting the following three sections, and that the bill so amended do pass:

SEC. 1. That the date on which taxes of all kinds levied for the year 1886 shall become delinquent, and the penalty and interest which would otherwise attach, is hereby ex-

tended to June 1, 1887, at the end of which time the same proceedings shall be had as would regularly be taken under the present law.

SEC. 2. This act shall not apply to taxes due from railroad and telegraph companies.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

H. GALLOWAY,
Chairman.

INTRODUCTION OF BILLS.

Mr. Washabaugh introduced—

Council Bill No. 41. A bill for an act to amend section 384 of the Civil Code,

Which was read the first time.

Mr. Grigsby introduced—

Council Bill No. 42. A bill for an act to amend sections 73 and 74 of chapter 28 of the Political Code, relating to tax deeds.

Which was read the first time.

Also.

Council Bill No. 43. A bill for an act to amend sections 37 and 43 of chapter 28 of the Political Code, relating to tax sales,

Which was read the first time.

Mr. McCumber introduced—

Council Bill No. 44. A bill for an act creating a judicial subdivision of the Sixth Judicial District and providing for a transfer of pending actions to such subdivision,

Which was read the first time.

Also.

Council Bill No. 45. A bill for an act relating to the receiving and handling of grain and other products by railroad companies,

Which was read the first time.

Mr. Galloway introduced—

Council Bill No. 46. A bill for an act to provide for the issuing of duplicate coupons for those lost in transit by registered letter between the cities of Tidioute, State of Pennsylvania, and Bismarck, Territory of Dakota, and to provide for the payment of the same,

Which was read the first time.

Mr. Mead introduced—

Council Bill No. 47. A bill making it the duty of the county treasurer to certify to abstracts of title to real estate when requested and providing compensation for the same,
Which was read the first time.

Mr. Sheldon, of Hand introduced—

Council Bill No. 48. An act to create a new subdivision of the Fifth judicial district,
Which was read the first time.

Mr. McCumber introduced—

Council Bill No. 49. An act to enable cities and municipal corporations to lease and maintain systems or parts of systems of water works, telegraphic fire signals or fire apparatus,
Which was read the first time.

Mr. Grigsby introduced—

Council Bill No. 50. A bill for an act to amend section 677 of the Code of Civil Procedure, relating to damages caused by railroads,
Which was read the first time.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives have concurred in the action of the Council asking for a joint committee on joint rules, and that the House of Representatives have appointed as members of said committee on the part of the House Messrs. Williams of Burleigh, Gilbert and Burnham.

Yours respectfully,

W. G. EAKINS,
Chief Clerk.

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives have concurred in the action of the Council asking for a joint committee on the part of the Council and House to confer for the purpose of determining what arrangement may be made toward providing transportation without personal expense for his excellency, the governor of Dakota, the chiefs of the several departments, and the members and officers of both Houses of the Legislature, between the capitol building and their

present places of abode during the present session of the General Assembly, and the House of Representatives have appointed as members of said committee Messrs. Ward, Cooper and Hubbard.

Very Respectfully,
W. G. EAKINS, Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 24. A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883,

Was read the third time, and

The question being, shall the bill pass, and

The roll being called, there were ayes, 19; nays, 0; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allen, Bogert, Cain, Campbell, Collins, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Donovan, Grigsby, Lawler, Weiser.

So the bill passed, and

The question being as to its title, and being put,

The title was agreed to.

Council Bill No. 14. A joint resolution authorizing the employment of certain officers for the Council and fixing the compensation thereof,

Was read the third time.

Mr. Hughes moved

That the report of the committee thereon be adopted.

Which motion prevailed.

Mr. Ericson moved

The adoption of the following resolution:

Resolved, That Joint Resolution No. 14 be amended by striking out the words "committee on insurance and committee on military affairs and committee on banks and banking," in lines 5 and 6, and by inserting the words "assistant engrossing and enrolling" after the word "as," in line 7, and by adding the letter "s" after the word clerk in line 7—the reference as to lines being to lines in the printed bill.

The motion was lost.

The question being shall the bill pass, and

The roll being called, there were ayes, 8; nays, 11; not voting, 5.

Those voting in the affirmative were:

Messrs. Campbell, Collins, Ericson, Foster, Grigsby, Hughes, Mead, Smith.

Those who voted in the negative were:

Messrs. Bogert, Cain, Galloway, Harstad, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Dodge, Donovan, Lawler, Weiser.

So the bill was lost.

Council Bill No. 29. A bill for an act to authorize the organization of societies for mutual protection against larcenies of live stock,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Foster, Galloway, Harstad, Hughes Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Grigsby, Lawler, Weiser.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 22. A bill for an act extending the time in which taxes shall become delinquent and to reduce the penalty and interest thereon,

Was read the third time.

Mr. Galloway moved

That the report of the Committee on Revenue thereon be adopted.

Mr. Smith moved

That the amendment recommended by the committee be amended by the adoption of the following:

Provided, That the county of Yankton shall be exempted from the operation of this act.

The motion was lost.

Mr. Collins moved

That the bill be recommitted with instructions to the committee to modify their report, and

The ayes and nays being called for and

The roll being called, there were ayes, 7; nays, 13; not voting, 4.

Those who voted in the affirmative were:

Messrs. Bogert, Collins, Ericson, Grigsby, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Absent and not voting:

Messrs. Dodge, Donovan, Lawler, Weiser.

So the motion was lost.

Mr. Bogert moved

That the report be modified by adding to the proposed section 1:

That the date on which taxes of all kinds levied for the year 1886 shall become delinquent and the penalty and interest which would otherwise attach is hereby extended to June 1, 1887, at which time one per cent. per month interest shall attach and be collected till September 1, 1887, and at the end of which latter time the same proceedings shall be had as would regularly be taken under the present law, and

The ayes and nays being called for and

The roll being called there were ayes 7; nays 13; not voting, 4.

Those who voted in the affirmative were:

Messrs. Bogart, Foster, Grigsby, Harstad, Sheldon of Day, Sheldon of Hand, Smith.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Collins, Ericson, Galloway, Hughes, Martin, McCumber, Mead, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Donovan, Lawler and Wiser.

So the motion was lost.

The question then being shall the bill pass, and

The roll being called there were ayes, 19; nays, 1; not voting 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Wells, Mr. President.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting—

Messrs. Dodge, Donovan, Lawler, Weiser.

So the bill passed and

The question being as to its title.

Mr. McCumber moved

That its title be amended so as to read, "A bill for an act extending the time in which taxes levied for the year 1886 shall become delinquent."

The motion prevailed, and

The title as thus amended was agreed to.

Mr. Hughes moved

That the special order for this day at three o'clock, being the consideration of the message of his excellency, the governor, be postponed.

The motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 5. A joint resolution providing for the purchase of seventy-two copies of Levissee's Code,

Was read the second time, and

Referred to the Committee on Public Printing.

Mr. Foster moved

That the Council do now adjourn.

The motion prevailed and

The president announced that the Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

EIGHTH DAY.

BISMARCK, January 18, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Mr. Lawler, who was excused.

The Journals of Saturday's and yesterday's proceedings were read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN:

WHEREAS, There are certain county officers, notably the county treasurer and register of deeds, who receive in many counties, fees amounting to several thousand dollars per year, which is manifestly out of proportion for the labor performed and the compensation of the other county officers;

Therefore, We would humbly petition your honorable body to enact such laws as, in your wisdom, will best attain the object of reducing the salaries of said officers to the end that the people may be benefited thereby.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: We, the undersigned petitioners, citizens of Northville, would respectfully represent unto your honorable body, that this portion of Dakota is passing through a period of financial depression, caused by a failure of crops, low prices and the severity of the weather, that business is at a standstill, and the people are greatly in need of all the assistance within your power to grant.

Therefore, We would humbly petition your honorable body to extend the time when taxes become delinquent from the first of February to the first of June, or such other time as you in your wisdom would think conducive to the public good.

REPORTS FROM STANDING COMMITTEES.

Mr. Hughes, from the Judiciary Committee, reported as follows:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill, No. 25. A bill for an act to amend section 610 of the Code of Civil Procedure;

Also,

Council Bill, No. 27. A bill for an act to attach the counties of Stanley, Sterling and Newlin to the county of Hughes for judicial purposes;

Have had the same under consideration and recommend that they do pass.

ALEXANDER HUGHES,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill, No. 51,

Introduced by Mr. Washabaugh—

A Bill for an act to amend section 1 of chapter 117 of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1883.

Was read the first time.

Council Bill, No. 52,

Introduced by Mr. Washabaugh—

A bill for an act concerning the burial of soldiers and sailors who served in the Union army during the war of the rebellion,

Was read the first time.

Council Bill, No 53,

Introduced by Mr. Washabaugh—

An act to provide fuel for the capitol,

Was read the first time.

Council Bill, No. 54,

Introduced by Mr. Grigsby—

An act to amend an act entitled an act for the protection of game in the Territory of Dakota, passed March 9th, 1883,

Was read the first time.

Council Bill No. 55,
Introduced by Mr. Hughes—

A bill for an act to provide for the corporal punishment upon all male persons convicted of wilfully beating their wives and the manner and place of inflicting the same,

Was read the first time.

Council Bill No. 56,
Introduced by Mr. Hughes—

A bill for an act to amend section 95 of the Code of Criminal Procedure, in relation to the preliminary examination of persons charged with crime,

Was read the first time.

Council Bill No. 57,
Introduced by Mr. Hughes—

A bill for an act to provide for the burial of honorably discharged soldiers, sailors and marines who may die without sufficient means to defray funeral expenses and to provide headstones for the same,

Was read the first time.

Council Bill No. 58,
Introduced by Mr. Dodge—

An act to amend section 29 of chapter 21 of the Political Code, relating to the organization of counties and the appointment election powers and duties of county officers,

Was read the first time.

Council Bill No. 59,
Introduced by Mr. Campbell—

An act amending chapter 79 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fifth Judicial District and the time of holding court therein,

Was read the first time.

Council Bill No. 60,
Introduced by Mr. Sheldon, of Hand—

An act to amend section 89, chapter 21, of the Political Code.

Was read the first time.

Council Bill No. 61,
Introduced by Mr. Sheldon, of Hand—

An act to amend section 13 of chapter 39 of the Political Code,

Was read the first time.

Council Bill No. 62,

Introduced by Mr. Sheldon of Hand—

An act to amend section 135, Probate Code,
Was read the first time.

Council Bill No. 63,

Introduced by Mr. Mead—

Providing for the locating, establishing and building of a
Soldiers' Home, and providing funds therefor,
Was read the first time.

Council Bill No. 64,

Introduced by Mr. Mead—

An act to restrict criminal prosecution in justice
courts,
Was read the first time.

Council Bill No. 65,

Introduced by Mr. Collins—

A bill for an act entitled an act for the encouragement
of anatomical science, and for other purposes,
Was read the first time.

Council Bill No. 66,

Introduced by Mr. Grigsby—

A bill for an act entitled an act to repeal section 1, chap-
ter 84 of Laws of 1885, providing for struck jury,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 15. A bill for an act establishing the
Dakota Experimental Farm and Forestry Institution, and
providing for the government and maintenance of the
same,

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 19. A bill for an act regulating mar-
riage and the solemnization thereof.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 33. A bill for an act providing for the
appointment of certain subordinate officers of the Territor-
ial Council and House of Representatives, and for the com-
pensation and payment thereof,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 34. A bill for an act to define the incompatibility of officers within the Territory of Dakota,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 35. A bill for an act abolishing the office of county assessor in certain cases and creating the office of district assessor, and for other purposes.

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 36. A memorial to the Senate and House of Representatives of the United States in relation to land titles,

Was read the second time and
Referred to the Committee on Federal Affairs.

Council Bill No. 37. A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 38. A bill for an act to amend section 295, article 10, of the Code of Civil Procedure, in relation to the manner of entering and satisfying judgments,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 39. A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure of the same,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 40. A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory and to prescribe the rate of interest thereon,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill, No. 41. A bill for an act to amend section 394 of the Civil Code,

Was read the second time and
Referred to the Committee on Incorporations.

Council Bill, No. 42. A bill for an act to amend sections

73 and 74, of chapter 28, of the Political Code relating to tax deeds.

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 43. A bill for an act to amend sections 37 and 43 of chapter 28 of the Political Code, relating to tax sales;

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 44. A bill for an act creating a judicial subdivision of the Sixth Judicial District and providing for a transfer of pending actions to such subdivision,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 45. A bill for an act relating to the receiving and handling of grain and other products by railroad companies,

Was read the second time and
Referred to the Committee on Warehouse and Grain Grading.

Council Bill No. 46. A bill for an act to provide for the issuing of duplicate coupons for those lost in transit by registered letter between the cities of Tidioute, State of Pennsylvania, and Bismarck, Territory of Dakota, and to provide for the payment of the same,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 47. A bill for an act making it the duty of the county treasurer to certify to abstracts of title to real estate when requested and providing compensation for the same,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 48. A bill for an act to create a new subdivision of the Fifth Judicial District,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 49. A bill for an act to enable cities and municipal corporations to lease and maintain systems or parts of systems of water works, telegraphic fire signals or fire apparatus,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 50. A bill for an act to amend section 677 of the Code of Civil Procedure, relating to damages caused by railroads,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 25. A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Lawler, Smith.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill, No. 27. A bill for an act entitled an act amending section 610 of the Code of Civil Procedure,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Hughes, Lawler, Smith.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

By unanimous consent Mr. Ericson reported as follows:

MR. PRESIDENT:

Your Committee on Education have considered Council Bill No. 9. Entitled a bill for an act entitled an act amending chapter 40 of the acts of the Fifteenth General Assembly,

And would respectfully recommend that said bill be amended as follows:

1. By striking out the word "acts" in the title of said bill and inserting in lieu thereof the words "Special Laws."

2. By striking out the word "Acts" in line 1 of section 1 of said bill and inserting in lieu thereof the words "Special Laws."

3. By striking out the words "or departments" wherever they occur in section 3 of said bill,

And your committee would further recommend the passage of such bill as so amended.

E. C. ERICSON,
Chairman.

Mr. Wells moved
That the report be adopted,
Which motion prevailed.

Mr. Collins moved
i To amend section 3 of this bill, lines 4 and 7, by inserting the words "or departments" where the said words appear,

Which motion prevailed.

Mr. Ericson moved
That the rules be suspended, the bill be read the third time and

Put upon its final passage,
Which motion prevailed, and

Council Bill No. 9. A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Was read the third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 22; nays, none; not voting, 2.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes,

Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Grigsby, Lawler.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Weiser offered the following resolution:

Be it Resolved, By the Council of the Territory of Dakota, That the attorney general be and he is hereby instructed to report to this body what methods, if any, have been provided by Congress for the selection of school lands by the Territory in cases where the Territory has been deprived of such lands by means of causes mentioned in sections 2275 and 2276, Revised Statutes of the United States.

Mr. Campbell moved

That the resolution be adopted,

Which motion prevailed.

Mr. Campbell moved

That the Council do now adjourn.

The motion prevailed and

The president announced

That the Council stood adjourned.

T. A. KINGSBURY,

Chief Clerk.

NINTH DAY.

BISMARCK, January 19, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Mr. Lawler, who was excused.

The Journal of yesterday was read and approved.

THE FOLLOWING REPORTS WERE SUBMITTED:**MR. PRESIDENT:**

Your Committee on Public Printing, to whom was referred

Council Bill No. 5,

Providing for certain public printing.

Beg leave to report the same back without recommendation.

JOHN CAIN,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue has duly considered Council Bill No. 40, and

Would recommend that said bill be amended by adding thereto, after section 1 thereof, the following:

SECTION 2. The treasurer of any board of education shall provide himself with and keep a warrant register, which register shall show in a column arranged for that purpose, the number, date and amount of each warrant presented, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person to whose name the same is registered, the date of payment, when made, the amount of interest, the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed as hereinafter provided.

SECTION 3. It shall be the duty of every such treasurer to set aside the money for the payment of each registered warrant as soon as money sufficient for the payment of such warrant is received to the credit of the particular fund upon which such warrant is drawn, and the interest upon such warrant shall thereupon cease, and such treasurer shall by mail immediately notify the person in whose name the same is registered, and shall pay over to the party holding such warrant such sum when called for.

And that line 1, of section 2, of said bill as printed, be amended by substituting the figure "4" after the word "section" in said line in lieu of the figure "2."

And that such bill as amended do pass.

ROGER ALLIN,
Chairman pro tem.

MR. PRESIDENT:

Your Committee on Federal Relations to whom was referred

Council Bill No. 36,

A memorial to the Senate and House of Representatives of the United States, in relation to land titles,

Respectfully report that they have duly considered the same and unanimously recommend the bill do pass.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue has duly considered

Council Bill No. 47, and

Would recommend that the word "fifty" be stricken out wherever it occurs in the first section of said bill, and that the word "thirty-five" be substituted in lieu thereof.

Also,

That the word "twenty-five" be stricken out in line No. 14 of section 1 said bill, and that the words "one hundred" be substituted in lieu thereof.

And that said bill as so amended do pass.

ROGER ALLIN,
Chairman pro tem.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred

Council Bills Nos. 38 and 50,

Report that they have had the same under consideration and

Recommend that the said bill No. 50 be passed and that said bill No. 38 be not passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Council Bill No. 34,

Report that they have had the same under consideration and recommend that the same be amended by striking out "section No. 5;" and by inserting the following words at the end of section No. 2, viz, "*Provided* a probate judge may hold the office of justice of the peace;" and also that sections numbered "6" to "11," inclusive, be re-numbered "5" to "10" respectively; and with these amendments they recommend that the bill be passed.

ALEXANDER HUGHES,
Chairman.

INTRODUCTION OF BILLS.

Council Bill No. 67,

Introduced by Mr. Smith—

A bill for an act authorizing cities, towns and incorporated villages to refund outstanding bonded indebtedness,
Was read the first time.

Council Bill No. 68,

Introduced by Mr. Donovan—

A bill for an act for the organization of literary institutes in the Territory of Dakota,
Was read the first time.

Council Bill No. 69,

Introduced by Mr. Dodge—

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,
Was read the first time.

Council Bill No. 70,

Introduced by Mr. Galloway—

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled an act establishing Territorial and County Boards of Health, and providing for the protection of the health of persons and animals,
Was read the first time.

Council Bill No. 71,

Introduced by Mr. McCumber—

A bill for an act to encourage and promote the study of the science of medicine,
Was read the first time.

Council Bill No. 72,

Introduced by Mr. Weiser—

A bill for an act to amend an act entitled an act to establish a Code of Proceedings in courts of justices of the peace and to limit the jurisdiction of the same,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 51,

A bill for an act to amend section 1 of chapter 117 of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1883,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 52,

A bill for an act concerning the burial of soldiers and sailors who served in the Union army during the war of the rebellion,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

Council Bill No 53,

A bill for an act to provide fuel for the capitol,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 54,

A bill for an act to amend an act entitled an act for the protection of game in the Territory of Dakota, passed March 9th, 1883,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 55,

A bill for an act to provide for the corporal punishment upon all male persons convicted of wilfully beating their wives and the manner and place of inflicting the same,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 56,

A bill for an act to amend section 95 of the Code of Criminal Procedure, in relation to the preliminary examination of persons charged with crime,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 57,

A bill for an act to provide for the burial of honorably discharged soldiers, sailors and marines who may die without sufficient means to defray funeral expenses and to provide headstones for the same,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

Council Bill No. 58,

A bill for an act to amend section 29 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election powers and duties of county officers,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 59,

A bill for an act amending chapter 79 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fifth Judicial District and the time of holding court therein,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 60,

A bill for an act to amend section 89, chapter 21, of the Political Code,

Was read the second time, and
Referred to the Committee on Judiciary.

Council Bill No. 61,

A bill for an act to amend section 13 of chapter 39 of the Political Code,

Was read the second time, and
Referred to the Committee on Counties.

Council Bill No. 62,

A bill for an act to amend section 135, Probate Code,

Was read the second time, and
Referred to the Committee on Judiciary.

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home, and providing funds therefor,

Was read the second time, and
Referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 19, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 28,

A bill for an act providing for extending the time for the payment of the taxes of 1886, which the House has this day passed and your concurrence therein is respectfully requested.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 5,

A joint resolution providing for certain public printing and making an appropriation for the same,

Was read the third time.

Mr. Grigsby moved

That the bill be recommitted, with instructions to the committee to report the probable cost of the printing required,

Which motion was lost.

Mr. McCumber moved

That Council Bill No. 5, a joint resolution providing for certain public printing, and making appropriation for the same, be amended, as follows: By striking out the words "one hundred," where the same appears in last end of line No. 4, and insert in lieu thereof the words "two hundred," and by striking out the words "two hundred and fifty," where the same appears in the last part of line 4 and the first part of line 5 thereof, and inserting in lieu thereof the words "one hundred."

Which motion was lost.

Mr. Grigsby moved

To strike out from lines 4 to 5 the words "and two hundred and fifty copies daily of the Legislative Journal."

Mr. Hughes moved

That the bill with the proposed amendment be recommitted to the Committee on Public Printing, with instructions to report with an estimate of the probable cost of the printing proposed.

Which motion prevailed.

Council Bill No. 40,

A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this territory and to prescribe the rate of interest thereon,

Was read the third time.

Mr. Allin moved

That the bill be amended in accordance with the recommendations of the report of the Committee on Revenue.

Which motion prevailed.

Mr. Ericson moved

That the bill be further amended by inserting in section 2 after the word "purpose," the words "in the order of their presentation," before the words "the number and date."

Which motion prevailed, and
 The question being, shall the bill pass, and
 The roll being called, there were ayes, 22; nays, none; not
 voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
 Donovan, Ericson, Foster, Galloway, Grigsby, Harstad,
 Hughes, Martin, McCumber, Mead, Sheldon of Day, Shel-
 don of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Lawler, Smith.

So the bill passed, and

The question being as to its title, and being put,

The title was agreed to.

Council Bill No. 36. A memorial to the Senate and
 House of Representatives of the United States, in relation
 to land titles,

Was read the third time.

Mr. Hughes moved

That further consideration of the bill be postponed until
 to-morrow.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 January 19, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House
 has passed a

Concurrent Resolution

Providing for the furnishing of newspapers to members
 of the Council and House.

The resolution is transmitted herewith and your favor-
 able consideration thereof is respectfully requested.

Respectfully,

W. G. EAKINS,
 Chief Clerk.

The concurrent resolution is as follows:

Resolved, By the House of Representatives of the Terri-
 tory of Dakota, the Council concurring, that the chief clerks
 of the Council and House of Representatives are hereby au-
 thorized to procure for each member of the Council and

House of Representatives six copies of newspapers, either daily or weekly, as the members of the Council and House of Representatives may dictate, to be furnished them daily and weekly during this session of the Legislature.

HOUSE OF REPRESENTATIVES, }
January 19, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 32,

A joint resolution for the printing of 500 copies of the
act of Congress relating to special legislation,
Which has this day passed the House.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Council Bill, No. 47,

A bill for an act making it the duty of county treasurers
to certify to abstracts of title to real estate when requested
and providing compensation for the same

Was read the third time.

Mr. Hughes moved

That the report of the Committee on Revenue be
adopted.

Which motion prevailed.

Mr. Cain moved

That the bill be amended by striking out the words
"thirty-five" where they occur in section 1 of said bill and
insert in lieu thereof the words "twenty-five."

Mr. Ericson moved

That the bill be recommitted to the Committee on
Revenue.

Which motion prevailed.

Council Bill No. 38,

A bill for an act to amend section 295, article 10, of
the Code of Civil Procedure in relation to the manner
of giving, entering and satisfying judgements

Was read the third time and

The roll being called there were ayes, 9; nays, 13;
not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Ericson, Foster,
Galloway, Harstad, Wells.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Grigsby, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser Mr. President.

Absent and not voting:

Messrs. Bogert, Lawler.

So the bill was last.

Council Bill No. 50,

A bill for an act to amend section 677 of the Code of Civil Procedure, relating to damages caused by railroads,

Was read the third time and

The question then being, shall the bill pass and

The roll being called there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 34.

A bill for an act to define the incompatibility of offices within the Territory of Dakota,

Was read the third time.

Mr. McCumber in the chair.

Mr. Mathews moved

That the bill be amended by striking out section 3,

Which motion prevailed.

Mr. Grigsby moved

That the report of the Judiciary Committee on the bill be adopted.

Mr. Cain moved

That the bill be recommitted to the Committee on Judiciary,

Which motion prevailed.

Mr. Washabaugh moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. McCumber in the chair, announced that the Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

TENTH DAY.

BISMARCK, January 20, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred Council Bill No. 20, a bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota, have had the same under consideration, and unanimously recommend that the bill do pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred Council Bill No. 5, beg leave to report the same back, with the recommendation that the following amendment be adopted:

Strike out all in section 1 down to the word "for," in line 7, and insert the following in lieu thereof; "That the Secretary of the territory be authorized to have printed two hundred and fifty copies each of the Council and House Journals, to be bound at the close of the session in the same style as the Journals of the Sixteenth Legislative Session were bound, and two hundred and fifty copies each

of such Journals each day for the use of the Council and House, at a rate not to exceed \$1.75 per page for the entire work done, the pages to be paid for but once, regardless of rearrangement of forms and no extra or other charges whatever shall be allowed."

The committee recommend further that the bill pass, with the amendment proposed.

JOHN CAIN,
Chairman.

MR. PRESIDENT:

Your Committee to whom was referred Council Bill No. 33, an act to provide for the appointment of certain subordinate officers, etc., would respectfully report and recommend that the same be amended by adding after the word "employees" in the 5th line of the printed bill and before the word "in" in said line the words "for their respective bodies" and as so amended that the bill do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations, to whom was referred Council Bill No. 41, report as follows:

We recommend the passage of said bill amended to read as follows:

That section 384 of chapter 3 of the Civil Code be and the same is hereby amended to read as follows:

SEC. 384. Private corporations can be formed by the voluntary association of three or more persons, upon complying with the provisions of this chapter, for the following purposes, viz: Mining, manufacturing and other industrial pursuits; the construction or operation of railroads, wagon roads and irrigating ditches; for colleges, seminaries, churches, libraries, benevolent, charitable and scientific associations; for conducting the business of insurance, banks of discount and deposit, (but not of issue) and for loan, trust and guarantee associations.

W. E. DODGE,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill No. 21 report that they have had the same under consideration and recommend that it be amended

by striking out all after the enacting clause and inserting in lieu thereof the following, viz :

SEC. 1. That all acknowledgments of deeds, mortgages and all other instruments in writing, and all oaths administered by, and affidavits taken before Henry Krogh, as notary public of the Territory of Dakota, between the twenty-fourth (24th) day of July, 1886 and the first day of January 1887, are hereby legalized and declared to have the same force and effect, in both law and equity, as if said acknowledgements, oaths or affidavits had been taken by a duly authorized officer to take acknowledgements, oaths or affidavits and the record of such instruments acknowledgements, oaths or affidavits shall have the same force and effect as if he had been duly authorized to take the same.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

And with such amendment your committee recommend the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred House Joint Resolution No. 5, beg leave to report the same back with the recommendation it do pass with the following amendments:

Be amended by striking out all of said resolution after the words "to be" at the end of the fifth line thereof, and by inserting in lieu thereof the following:

For the use of the members of the Legislature, but to remain the property of the Territory, and the secretary shall take the individual receipt of each member receiving such Code, which Code shall be returned to the secretary of the Territory at the close of the session, unless the same shall be paid for by the member desiring to retain the same for his own use at the price of nine dollars per volume, and that the sum of six hundred and forty-eight (\$648) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Territorial treasury, not otherwise appropriated, to pay for such Codes.

The message of the House announcing the passage of a concurrent resolution to provide copies of newspapers for the use of members of the Legislative Assembly was considered.

Mr. Cain moved

That that part of the resolution providing for the furnishing papers to members of the Council be stricken out, and

The ayes and nays being called for and

The roll being called, there were ayes, 11; nays, 12; not voting, 1.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Donovan, Foster, Galloway, Grigsby, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Dodge, Ericson, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser.

Absent and not voting:

Mr. Smith.

So the motion was lost.

Mr. Ericson moved

That the selecting of such paper shall be only from those in which the proceedings of the Legislature are published.

Which motion prevailed.

The question being shall the Council concur, and

The ayes and nays being called for, and

The roll being called there were ayes, 12; nays, 11; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Grigsby, Hughes, Lawler Martin, Mead, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Bogert, Collins, Foster, Galloway, Harstad, McCumber, Sheldon of Day, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Smith.

So the Council concurred in the passage of the resolution.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 73,
Introduced by Mr. Galloway—

A bill for an act for the formation of Boards of Trade and Chambers of Commerce,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 64,

A bill for an act to restrict criminal prosecution in justice courts,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 65,

A bill for an act entitled an act for the encouragement of anatomical science, and for other purposes,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 66,

A bill for an act entitled an act to repeal section 1, chapter 84 of Laws of 1885, providing for struck jury,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 67,

A bill for an act authorizing cities, towns and incorporated villages to refund outstanding bonded indebtedness,

Was read the second time and
Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 68,

A bill for an act for the organization of literary institutes in the Territory of Dakota,

Was read the second time, and
Referred to the Committee on Education.

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 70,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled an act establishing Territorial and County Boards of Health, and providing for the protection of the health of persons and animals,

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 71,

A bill for an act to encourage and promote the study of the science of medicine.

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 72,

A bill for an act to amend an act entitled an act to establish a Code of Proceedings in courts of justices of the peace and to limit the jurisdiction of the same,

Was read the second time, and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Was read the third time.

Mr. Galloway moved

That the bill be amended as recommended by the Committee on Judiciary,

Which motion prevailed.

The question then being shall the bill pass, and

The roll being called, there were ayes, 23; nays, 0; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Smith.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 33.

A bill for an act providing for the appointment of certain subordinate officers of the Territorial Council and House of Representatives and for the compensation and payment thereof,

Was read the third time.

Mr. Dodge moved
That the bill be amended as recommended by the Committee on Appropriations.

Which motion prevailed, and,
The question then being, shall the bill pass, and
The roll being called, there were ayes, 23; nays, none;
not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Smith.

So the bill passed and

The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 41.

A bill for an act to amend section 384 of the Civil Code,
Was read the third time.

Mr. Washabaugh moved

That the bill be amended as recommended by the Committee on Incorporations,

Which motion prevailed, and

The question then being, shall the bill pass and

The roll being called; there were ayes, 23; nays, none;
not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Smith.

So the bill passed, and

The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 5,

A joint resolution providing for certain public printing,
and making appropriation for the same

Was read the third time.

Mr. Cain moved

That the bill be amended in accordance with the recommendations of the Committee on Public Printing,
Which motion prevailed.

Mr. Bogert moved

That the bill be amended by providing that 100 copies of the Daily Journal be printed instead of 250 copies for daily distribution, and

The ayes and nays being called for and

The roll being called there were ayes, 19; nays 4; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Foster, Lawler, McCumber.

Absent and not voting:

Mr. Smith.

So the motion prevailed.

Mr. Cain moved

That the amount of \$1.75 referring to the price per page be stricken out and \$1.70 inserted in lieu thereof,

Which motion prevailed.

The question then being, shall the bill pass and

The roll being called, there were ayes, 22; nays, 1; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting:

Mr. Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 20, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has concurred in the amendment to the concurrent resolution providing for furnishing newspapers to the members of the Council and House.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Council Bill No. 20,

A bill for an act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

Was read the third time.

Mr. Washabaugh moved

That section 16 of the bill be stricken out,

Which motion prevailed.

Mr. Martin moved

That the bill be made a special order for February 5th next,

Which motion prevailed.

Council Bill No. 36,

A memorial to the Senate and House of Representatives of the United States, in relation to land titles,

Was read the third time.

Mr. Galloway moved

That the bill be amended by striking out after the word "that" in the second line of the bill to the word "whereas" in the fifth line thereof,

Which motion prevailed.

The question then being, shall the bill pass, and

The roll being called there were ayes, 23; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent or not voting:

Mr. Smith.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 28,

A bill for an act providing for an extension of time for the payment of taxes of 1886,

Was read the first time.

Mr. Grigsby moved

That the rules be suspended and the bill be read the second and third time and put on its passage.

The motion prevailed, and

The bill was read the second and third time.

Mr. McCumber moved

That the bill be amended by striking out all after the enacting clause and inserting

SECTION 1. That the date on which all taxes levied in the year 1886 shall become delinquent and a penalty attach for non-payment, is hereby extended to the 1st day of June, 1887, at the end of which time the same proceedings shall be had as would regularly be taken under the present law.

SEC. 2. This act shall not apply to taxes to be paid by railroad and telegraph companies.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

And the ayes and nays being called for, and

The roll being called, there were ayes, 15; nays, 6; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allen, Cain, Campbell, Collins, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Those who voted in the negative were:

Messrs. Bogart, Dodge, Donovan, Ericson, Washabaugh, Wells.

Absent and not voting,

Messrs. Foster, Smith, Weiser.

So the motion prevailed.

The question then being, shall the bill pass, and
The roll being called there were ayes, 17; nays, 5; not
voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Foster,
Galloway, Grigsby, Harstad, Hughes, Lawler, Martin,
McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr.
President.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Ericson, Washabaugh, Wells.

Absent and not voting:

Messrs. Smith and Weiser.

So the bill was passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. McCumber moved

That Mr. Weiser be excused from attendance on to-mor-
row's session,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 5,

A joint resolution providing for the purchase of seventy-
two copies of Levisse's Code,

Was read the third time.

Mr. Campbell moved

That the resolution be amended as recommended in the
report of the Committee on Public Printing,

Which motion prevailed, and

The question being, shall the bill pass, and

The roll being called there were ayes, 19; nays, 3; not
voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan,
Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mc-
Cumber, Mead, Sheldon of Day, Sheldon of Hand, Washa-
baugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Foster.

Absent and not voting:

Messrs. Smith, Weiser.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

Mr. Sheldon of Day then moved
That the Council adjourn.

The motion prevailed and
The president announced
That the Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

ELEVENTH DAY.

BISMARCK, Jan. 21, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Messrs. Smith and Weiser, who were excused.

Mr. Cain stated that Mr. Smith was ill, and moved that he be excused from attendance at this day's session.

The motion prevailed.

The following petition was presented:

MELLETTTE, SPINK COUNTY, DAK., Jan. 13, 1887.

To the Honorable, the Council and House of Representatives of the Legislative Assembly of Dakota:

GENTLEMEN: We, the subscribers, citizens and freeholders of the county of Spink and Territory of Dakota, respectfully represent to your honorable body that owing to the very light crops of the year 1886, we find ourselves utterly unable to

pay our taxes at the present time, and ask that you pass a bill extending the date upon which the taxes for the year 1886 shall become delinquent—and a penalty attach thereto for the non-payment of the same—to June 1, 1887.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Revenue have considered Council Bill No. 47, and beg leave to report the same back to the House with the recommendation that it be made a special order for to-day at 3:30 p. m.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred Council Bill No. 53, a bill for an act to provide fuel for the Capitol, would respectfully recommend that the same be amended by inserting the words "during the present session of the Legislative Assembly," after the word "Capitol," and before the word "and" in the second line of the printed bill, and that so amended it do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 10, report that they have had the same under consideration, and recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 11, report that they have had the same under consideration, and recommend that the bill do not pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 31, report that they have had the same under consideration, and recommend that the same be referred to the Committee on Revenue.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance to whom was referred Council Bill No. 28, beg leave to report that they have had the same under consideration and recommend the following amendments, viz.:

Amend section one (1) by adding after the word "companies" and before the word "and" in the (11) eleventh line of said section the following: "The number of members of each company."

Amend section two (2) by adding after the words "by them" in the ninth (9) line the following: "Upon policies issued on property within the corporate limits of such city town, or village."

Also,

Amend said section two (2) by striking out all of said section after the word "December" in line 10.

Amend section three (3) of said bill by adding after the word "received" in the eighth line of said section the following: "Upon policies issued on property," and

Also,

Amend said section three (3) by striking out all of said section after the word "thereof" in the fifteenth line of said section and insert in lieu thereof the following: "And when so received by said treasurer the same shall be paid over to said company or companies, in equal proportion, having a membership of at least fifteen members for a period of eight (8) months prior to the date of the certificate of the clerk, as provided in section one (1) of this act, and having the management of at least one steam, hand or other fire engine, hook and ladder truck or hose cart, upon the written order of such company or companies, approved by the city council, trustees or other governing bodies of such city, town or village."

Amend section four (4) by striking out the word "ten" (10) in line four (4) and inserting the word "eight" (8) in lieu thereof, and

Also,

By adding at the end of said section four (4) the following words: "With a membership of at least fifteen (15) persons for said period of eight months."

Your committee further recommend

That the bill as amended be engrossed and go to its third reading and be put upon its final passage.

T. D. BOGERT,
Chairman.

Mr. Dodge in the chair.

Mr. Matthews moved

That the vote by which Council Bill No. 41 was passed be reconsidered,

Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 74,

Introduced by Mr. Matthews—

A bill for an act creating the office of county auditor, and defining the duties thereof,

Was read the first time.

Council Bill No. 75,

Introduced by Mr. Donovan—

A bill for an act to amend chapter 23 of the Session Laws of 1881,

Was read the first time.

Council Bill No. 76,

Introduced by Mr. Dodge—

A bill for an act to amend sections 266 and 268 of chapter 12 of the Code of Civil Procedure, relating to trials and judgments in civil actions,

Was read the first time.

Council Bill No. 77,

Introduced by Mr. Ericson—

A bill for an act to authorize counties and townships to issue bonds, to sell the same and apply the proceeds to the payment of existing indebtedness, and to provide for the payment of the same,

Was read the first time.

Council Bill No. 78,

Introduced by Mr. Foster—

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oil,

Was read the first time.

Council Bill No. 79,

Introduced by Mr. Hughes—

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law and prescribing the duties of the attorney general in relation thereto,

Was read the first time.

Council Bill No. 80,

Introduced by Mr. Hughes—

A bill for an act to amend section 13, chapter 39, of the Political Code, concerning compensation of public officers,
Was read the first time.

Council Bill No. 81,

Introduced by Mr. McCumber—

A bill for an act to amend an act to provide for the organization of civil townships and the government of the same,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 73,

A bill for an act for the formation of boards of trade and chambers of commerce,

Was read the second time and

Referred to the Committee on Incorporations.

THIRD READING OF COUNCIL BILLS.

Council Bill, No. 28. A bill for an act to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by fire insurance companies upon premiums received in any such town, city or village,

Was read the third time.

Mr. Grigsby moved

That the bill be amended as recommended by the Committee on Insurance,

Which motion prevailed.

Mr. McCumber moved

That after being engrossed the bill be printed,

Which motion prevailed.

Council Bill No. 31,

A bill for an act entitled an act relative to county treasurers, describing their duties, fees and salaries,

Was read the third time.

Mr. Ericson moved

That the bill be referred to the Committee on Revenue as recommended by the Committee on Counties.

Which motion prevailed.

Council Bill No. 11,

A bill for an act regulating the fees of registers of Deeds,
Was read the third time, and

The question being, shall the bill pass, and

The roll being called there were ayes, none; nays, 21; not voting, 3.

Those voting in the negative were:

Messrs. Allin, Bogert, Cain Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting,

Messrs. Collins, Smith, Weiser.

So the bill was lost.

Council Bill No. 10,

A bill for an act repealing sections 12 to 18 inclusive of chapter 20 of the Special Laws of 1885,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 2; not voting, 2.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Sheldon of Day.

Absent and not voting:

Messrs. Smith, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 53,

A bill for an act to provide fuel for the Capitol,

Was read the third time.

Mr. McCumber moved

That the bill be amended as recommended by the Committee on Appropriations,

Which motion prevailed, and

The question then being, shall the bill pass and

The roll being called, there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Smith, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council bill No. 47,

A bill for an act making it the duty of county treasurers to certify to abstracts of title of real estate when requested and providing compensation for the same,

Was read the third time.

Mr. Hughes moved

That the bill be made a special order for 3:30 p. m. this afternoon, as recommended by the Committee on Revenue,

Which motion prevailed.

Council Bill No. 41,

A bill for an act to amend section 384 of the Civil Code,

Was read the third time.

Mr. Dodge moved

That it be amended by adding the following proviso to section 1:

Provided, However, that no insurance company shall be incorporated under the provisions of this act except by the voluntary association of seven or more persons.

Which motion prevailed and

The question then being, shall the bill pass, and

The roll being called there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Smith, Weiser.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 21, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 62, being a joint resolution providing for the opening of the Devils Lake Indian Reservation, which has this day passed the House, and your favorable consideration thereof is requested.

Also,

To transmit herewith Council Bills Nos. 27 and 33, which the House has this day passed.

Respectfully,
W. G. EAKINS,
Chief Clerk.

The hour for the consideration of the special order
Council bill No. 47,

Having arrived, the council went into session as a Committee of the Whole house.

Mr. Campbell in the chair.

After some time spent therein the committee arose and through its chairman reported as follows:

MR. PRESIDENT:

The Council as a Committee of the Whole having considered Council Bill No. 47, do report and recommend that said bill be amended by striking out all that part of said bill between the word "office" in the 6th line of the printed bill and up to and including the word "abstract" in the 12th line thereof, and that so amended it do pass.

A. W. CAMPBELL,
Chairman.

Mr. Foster moved
That the report be adopted.

Mr. McCumber moved
A call of the house, and
The call being seconded, and
The roll being called,

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Grigsby, Harstad, Martin, McCumber, Mead,

Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President responded to their names.

Messrs. Donovan, Galloway, Hughes and Lawler were absent without leave, and

Messrs. Smith and Weiser were absent and excused.

Mr. Foster moved

That further proceedings under the call be dispensed with, and

The ayes and nays being demanded, and

The roll being called there were ayes, 10; nays 8; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Foster, Grigsby, Harstad, Martin, Sheldon of Hand, Wells.

Those who voted in the negative were:

Messrs. Bogert, Dodge, Ericson, McCumber, Mead, Sheldon of Day, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Donovan, Galloway, Hughes, Lawler, Smith, Weiser.

So the motion prevailed.

Mr. Grigsby moved the previous question.

Mr. McCumber moved

That the motion for the previous question lie on the table.

Mr. Cain made

The point of order that the latter motion was not in order,

Which point of order was sustained by the president.

The motion for the previous question was then lost.

Mr. Hughes moved

That further consideration of the bill be postponed until January 29th, at 3 p. m.,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 21, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to concur in the amendment to House Bill No.

28, providing for an extension of time when the taxes of 1886 shall become delinquent, and asks a Committee of Conference and has appointed as members of such committee on the part of the House Messrs. Dodds, Stewart of Fall River and Gilbert.

Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That a Committee of Conference of three be appointed to consider the differences between the two Houses relative to House Bill No. 28.

The motion prevailed, and

The president appointed as such committee Messrs. Hughes, Washabaugh and E. T. Sheldon.

Mr. Mead, from the Committee on Enrollment, reported Council Bills Nos. 27, 32 and 33

As correctly enrolled.

The Committee on Conference on House Bill No. 28,

Reported that they had agreed with the committee of the House as to that bill, and that the report would be submitted in a communication from the House of Representatives.

Mr. Ericson offered the following resolution, and moved its adoption:

WHEREAS, Several committees of the Council now stand in need of clerical assistance for the proper performance of their duties; therefore, be it

Resolved by the Council of the Territory of Dakota, that the president of said Council be, and hereby is, authorized to appoint a clerk for the Revenue Committee and two clerks for the Engrossing and Enrolling Committees; such clerks to act under the direction of the president in the assistance of other committees when not employed by their respective committees, and their compensation is hereby fixed at five dollars per day each.

The resolution was adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 21, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bills Nos. 13 and 16, which have this day passed the house, and your favorable consideration thereof is requested.

Also,

I have the honor to report that the House has adopted the following report of the Committee on Conference on House Bill No. 28, and passed the bill as amended:

To the Council and House of Representatives:

Your Conference Committee, to whom was referred House Bill No. 28, beg leave to report that they have had the same under consideration and recommend that the same be amended by striking out the word "June" in the fourth line of the printed bill and inserting in lieu thereof the word "July," and that as so amended it pass.

ALEX. HUGHES,
F. J. WASHABAUGH,
A. S. STEWART,
E. T. SHELDON,
J. T. GILBERT,
D. S. DODDS.

The bill as amended is transmitted herewith and your favorable consideration thereof is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Dodge moved

That the rules be suspended and that
House Bill No. 28

As amended by the Conference Committee be read the
third time and put on its passage.

Which motion prevailed and

House Bill No. 28,

A bill for an act providing for an extension of time for
the payment of taxes,

Was read at length as amended and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 3; not
voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogart, Cain, Campbell, Collins, Dodge,

Ericson, Foster, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Grigsby, Sheldon of Day, Mr. President.

Absent and not voting:

Messrs. Donovan, Galloway, Lawler, Smith, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Martin offered the following resolution and moved its adoption:

Resolved, That the president of the Council be and he hereby is authorized and directed to appoint a postmaster for the Council, and that his salary is fixed at \$4 per day.

Mr. Washabaugh moved

That the resolution lie on the table, and

The ayes and nays being called for and

The roll being called there were ayes, 11; nays, 8; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Ericson, Grigsby, Hughes, McCumber, Mead, Sheldon of Day, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Campbell, Collins, Dodge, Foster, Harstad, Martin, Sheldon of Hand.

Absent and not voting:

Messrs. Donovan, Galloway, Lawler, Smith, Weiser.

So the resolution was laid on the table.

Mr. Mead, from the Committee on Enrollment, reported that

Council Bills No. 27 and 33

Were delivered to his Excellency, the Governor, this day at 4:30 p. m.

The president announced that he had appointed Mr. John McCracken as clerk of the Revenue Committee, and Messrs. N. T. Hauser and Charles F. Mallahan as clerks of the committee on Engrossed and Enrolled bills.

Mr. Hughes moved

That the Council do now adjourn.

Which motion prevailed, and

The president announced that the Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWELFTH DAY.

BISMARCK, Jan. 22, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Messrs. Donovan, Grigsby, Galloway and Smith.

Messrs. Donovan and Smith were excused from attendance at this day's session.

The Journals of Thursday and Friday were read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT :

Your Committee on Judiciary, to which was referred Council Bill No. 34, report that they have had the same under consideration, and recommend that it be amended by striking out the words "incapable of holding or exercising at the same time" in section No. 1 of said bill (line 11 of printed bill), and that the words "ineligible to" be substituted therefor; also by striking out the words "or appointment" and "notary public" in section 1 (line 12 printed bill); also by striking out the words "capable of holding" in section 2 of said bill, and inserting in lieu thereof the words "eligible to"; also by striking out the word "any" after the words "more than" (line 2, section 2, printed bill); also by inserting the words "police magistrate" after the words "justice of the peace" in section 2 (line 2, section 2, printed bill); also by adding at the end of section 2 the words "provided a probate judge shall also be eligible to either of the following offices: justice of the peace, city justice or police justice;" also by striking out sections Nos. 3, 4, 5 and 6; also by striking out the words

"during the term for which he shall have been elected or appointed" in section No. 8 (lines 1 and 2 section 8, printed copy); also by striking out the words "during the term for which he shall have been elected or appointed" in section 9 (lines 2 and 3 printed copy); also that the words "or county" be inserted after the word district wherever it appears before the word attorney in said bill; also, by striking out the words "the expiration of" in section 10 (line 2, printed copy); and that sections numbered "1 to 10" inclusive be renumbered 1 to 7, respectively.

The said Council Bill No. 34 as amended will read as follows:

Council Bill No. 34.

Mr. Hughes introduced the following bill:

A BILL

For an act to define the incompatibility of officers within the Territory of Dakota.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That no member of the Legislative Assembly of the Territory of Dakota, shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term, and no person holding a commission or appointment under the United States, except postmasters, shall be members of the Legislative Assembly, or shall hold any office under the government of Dakota. [See section 1854, Organic Law.] And every person who shall hold any such office, commission or appointment under the United States, and also every delegate or member of Congress is hereby declared to be ineligible to the office of justice of the peace, mayor or alderman or member of council of any city, or member of the board of supervisors of any township, or member of the board of county commissioners of any organized county.

SEC. 2. The following offices are hereby declared and defined to be incompatible, and no person shall be eligible to more than one of such offices at the same time, viz: Sheriff, register of deeds, district or county attorney, judge

of probate, county auditor, clerk of the court, superintendent of schools, member of the board of county commissioners, county justice of the peace, police magistrate or constable, county treasurer, county surveyor, county coroner, and county assessor.

SEC. 3. No person can at one time be a member of more than one of the following bodies, viz: City council of any organized city, board of county commissioners of any organized county, board of supervisors of any organized civil township.

SEC. 4. No city officer or member of any city council shall be engaged or employed, directly or indirectly, as attorney in the prosecution of any action or claim against said city, except an action for his own salary or services or fees.

SEC. 5. No county officer or member of any board of county commissioners shall be engaged or employed, directly or indirectly, as attorney in the prosecution of any action or claim against said county, except an action for his own salary, fees or services.

SEC. 6. All the foregoing offices, as defined and limited, are hereby declared to be incompatible, and if any person, after the 1st day of April, 1887, shall violate any of the provisions of this Statute, or shall exercise any office or appointment the exercise of which is herein declared to be incompatible, every such office, appointment or commission so holden under the laws of Dakota shall be null and void, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than \$1,000 and not less than \$50, said fine to be paid into the county treasury of the county wherein the offense was committed, for the use of the school fund of said county.

SEC. 7. This act shall take effect and be in force from and after its passage and approval.

And with these amendments, they recommend the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations, to which was referred Council Bill No. 73, report as follows:

We recommend that said bill do not pass, basing our re-

port upon the following reasons: The power of the legislature to provide for the formation of private corporations is restricted by section 1889 of the Revised Statutes of the United States and the amendments thereto, to corporations formed for certain purposes therein enumerated, none of which are of the nature or character of "boards of trade" or "chambers of commerce," to provide for the incorporation of which Council Bill No. 73 was intended.

Respectfully submitted,

W. E. DODGE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Dodge offered the following resolution and moved its adoption:

Be it Resolved, That the president of this Council be, and he is hereby, requested to appoint one committee clerk for the service of all committees of the Council not already provided for, to be subject at all times to the direction of the president, and to receive five dollars per day; provided, however, that such clerk shall receive no compensation except when actually employed, as shown by the certificate of the chairmen of committees before whom such services are performed.

The resolution was adopted.

Mr. Hughes offered the following resolution, and moved its adoption:

Resolved: That the vote by which the resolution directing the president of the Council to appoint a post master was laid upon the table be and the same hereby is reconsidered.

The resolution was adopted.

Mr. Hughes then moved

That the resolution of Mr. Martin referred to be adopted.

The motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor :

EXECUTIVE OFFICE, January 22, 1887.

To the Honorable, the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 27, entitled
A bill for an act amending section six hundred and ten (610) of the Code of Civil Procedure.

Also,
Council Bill No. 33, entitled
A bill for an act providing for the appointment of certain subordinate officers of the Territorial Council and House of Representatives, and for the compensation and pay thereof.

GILBERT A. PIERCE,
Governor.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 82,
Introduced by Mr. Hughes—
A bill for an act providing for the payment of fines, forfeitures, penalties and moneys paid for licenses to sell intoxicating liquors into the treasury of the county and for the distribution thereof to the school corporations of the county,

Was read the first time.

Council Bill No. 83,
Introduced by Mr. Matthews—
A bill for an act to amend section 67 of chapter 44 of the Laws of the Fifteenth Legislative Assembly,
Was read the first time.

Council Bill No. 84,
Introduced by Mr. Matthews—
A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same,
Was read the first time.

Council Bill No. 85,
Introduced by Mr. Hughes—
A bill for an act to repeal chapter 105 of the Laws of 1883 entitled an act to amend section 197, article 4, of the Code of Civil Procedure,
Was read the first time.

Council Bill No. 86,
Introduced by Mr. Hughes—
A bill for an act to amend section 81, chapter 1, of the Justice's Code,
Was read the first time.

Council Bill No. 87,

Introduced by Mr. Sheldon of Day—

A bill for an act to encourage and aid county agricultural societies and develop the higher system of husbandry,

Was read the first time.

Council Bill No. 88,

Introduced by Mr. Sheldon of Day—

A bill for an act to provide for the levy and collection of taxes on the property of telegraph, telephone, express and sleeping car companies doing business in this territory.

Was read the first time.

SECOND READING OF COUNCIL BILLS.**Council Bill No. 74,**

A bill for an act creating the office of county auditor, and defining the duties thereof,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881,

Was read the second time, and

Referred to the Committee on Counties.

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter 12 of the Code of Civil Procedure, relating to trial and judgments in civil actions,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 77,

A bill for an act to authorize counties and townships to issue bonds, to sell the same and apply the proceeds to the payment of existing indebtedness, and to provide for the payment of the same,

Was read the second time and

Referred to the Committee on Counties.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 January 22, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith Council Bill No. 25, an act to attach the counties of Stanley, Sterling and Nowlin to Hughes for judicial purposes, which the House has passed.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 28,

A bill for an act to appropriate for the support of fire departments of each city, town or village within the Territory of Dakota, a part of the tax paid by fire insurance companies upon premiums received in any such town, city or village.

Was read the third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 18; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Ericson, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Foster.

Absent and not voting:

Messrs. Collins, Donovan, Galloway, Grigsby, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 34,

A bill for an act to define the incompatibility of offices within the Territory of Dakota,

Was read the third time.

Mr. Mead moved

That the bill be amended as recommended in the report of the Committee on Judiciary

Which motion prevailed.

Mr. Foster moved

That the bill be amended by striking out the words "police magistrate" where they occur in Section 2.

Which motion was lost.

Mr. Campbell moved

That the bill be amended by adding a proviso to Section 2 as follows:

Provided, That nothing contained in this section shall prevent a city justice of the peace or police justice of a city from exercising the functions granted to said officer by the charter of said city.

Which motion prevailed, and

The question then being, shall the bill pass, and

The roll being called, there were ayes, 20; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Donovan, Galloway, Grigsby, Smith.

So the bill passed, and

The question being as to its title, and being put,

The title was agreed to.

Mr. McCumber moved

That the vote by which Council Bill No. 28 was passed this day be reconsidered.

The motion was lost.

Mr. Foster moved

That the consideration of

Council Bill No. 73,

A bill for an act for the formation of boards of trade and chambers of commerce,

Be postponed until Tuesday next at 3 p. m.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 13,

A bill for an act to divide the fifth subdivision of the Sixth Judicial District into two subdivisions and to provide for terms of court therein,

Was read the first time.

House Bill No. 16,

A bill for an act to repeal chapter 84 of the General Laws of 1885,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 62,

A Joint Resolution providing for opening the Devils Lake Indian Reservation

Was read the second time, and

• Referred to the Committee on Federal Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 22, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 15. A bill for an act to amend chapter 78 of the General Laws of 1885.

Also,

Substitute for House Bill No. 31. A bill for an act to repeal chapter 31 of the General Laws of 1881, which have passed the house, and your favorable consideration thereof is requested.

Also,

To inform the Council that the House has refused to concur in the Council amendment to Joint Resolution No. 5, providing for furnishing Levissee Codes for the use of the members of the Council and House, and the joint resolution with the Council amendments is respectfully returned.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. McCumber moved

That the consideration of the Governor's Message be made a special order of the 24th inst., at 3 p. m.

Which motion prevailed.

The president appointed Mr. John Saturland as post-

master of the Council, and Mr. Robert McCabe as clerk of committees.

Mr. Saturlund, postmaster, and Messrs. McCabe, McCracken, Hauser and Mallahan clerks, were then sworn as officers of the Council.

Mr. Cain moved

That the Council refuse to recede from its amendments to House Bill No. 5. and that a committee of conference thereon be appointed.

Which motion prevailed, and

The president appointed as such committee Messrs. Cain, Sheldon of Day and Bogert.

Mr. Mead moved

That the Council do now adjourn.

The motion prevailed and

The president announced

That the Council stood adjourned.

T. A. KINGSBURY,
Chief Clerk.

FOURTEENTH DAY.

BISMARCK, January 24, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Mr. Donovan, who was excused.

The Journal of Saturday was read and approved.

The following reports were submitted:

MR. PRESIDENT:

I have the honor to report Council bills Nos. 5, 21 and 41 as correctly engrossed and Council bill 32 as correctly enrolled.

C. D. MEAD,
Chairman.

The following memorial was presented:

To the Council and House of Representatives of the Territory of Dakota:

GENTLEMEN: The undersigned were appointed a committee by the general association of the Congregational churches of Dakota, at their sixteenth annual meeting, held at Plankinton, September 14-16, 1886.

At that meeting we were instructed to memorialize your honorable body, and ask for a change in our statutes bearing on marriage and divorce.

Accordingly, in the name of 101 churches, having a membership of 3,701, we respectfully urge you to make the following changes:

1. Make it compulsory on parties seeking marriage to get a license for the same from some responsible public officer.
2. Make it compulsory on clergymen or magistrates solemnizing marriages to make suitable returns to the officer issuing the license, who shall keep a record of the same open at all times to public inspection.
3. Let the statutes require a bona fide residence of one year in the territory before proceedings for divorce can begin.

We believe that these requests are within the limits of moderation, and that if they are embodied in suitable legislation, the result will be a decided improvement in public morals.

Respectfully urging that you will grant our request, your petitioners will ever pray.

JOSEPH WARD,

ARCHIE A. MURPHY,

Committee of General Association of Congregational Churches of Dakota.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Council Bill No. 13, report that they have had the same under consideration, and recommend that section 2 of said bill be amended by adding at the end thereof the following, viz: "And that said bonds shall not be sold at less than par value, and that no fees or commissions of any

kind shall be allowed for selling, or negotiating a sale, of said bonds, and no fees or commissions of any kind shall be allowed or paid to the city treasurer, or to any other officer, for either collecting or disbursing the proceeds of said bonds." They also recommend that the said bill be further amended by adding after the word "Rapids," in line 4, of page 1, of the printed bill, the words, "Iowa Falls;" also after the word "Rapids," in line 6 of the printed bill, page 2, the words, "Iowa Falls;" and with these amendments they recommend that the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Council Bill No. 19, report that they have had the same under consideration and recommend that the following entitled bill be substituted therefor, and that the said substitute be passed.

ALEX. HUGHES,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 89,

Introduced by Mr. Ericison—

A bill for an act, entitled an act to amend chapter 26 of the Penal Code,

Was read the first time.

Council Bill No. 90,

Introduced by Mr. Cain—

Joint resolution, providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly, and making appropriation for the same.

Was read the first time.

Council Bill No. 91,

Introduced by Mr. Cain—

A bill for an an act to amend chapter 72 of laws of 1883, relating to selection of jurors,

Was read the first time.

Council Bill No. 92,

Introduced by Mr. Smith—

A bill for an act to amend section 67 of the Civil Code.

Was read the first time.

Council Bill No. 93,

Introduced by Mr. Hughes—

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota and to define their terms of office, duties and compensation,

Was read the first time.

Council Bill No. 94,

Introduced by Mr. Hughes—

A bill for an act to amend section 1 of chapter 17 of the Political Code, in relation to notaries public,

Was read the first time.

Council Bill No. 95,

Introduced by Mr. McCumber—

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Was read the first time.

Council Bill No. 96,

Introduced by Mr Washabaugh—

A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,

Was read the first time.

Council Bill No. 97,

Introduced by Mr. Hughes—

A joint resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oil,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the attorney general in relation thereto,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 80,

A bill for an act to amend section 13, chapter 39, of the

Political Code, concerning compensation of public officers,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 81,

A bill for an act to amend an act to provide for the organization of civil townships and the government of the same.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 82,

A bill for an act providing for the payment of fines, forfeitures, penalties and moneys paid for licenses to sell intoxicating liquors, into the treasury of the county, and for the distribution thereof to the school corporations of the county,

Was read the second time, and

Referred to the Committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 13,

A bill for an act entitled an act to legalize an election held in the city of Sioux Falls, and for other purposes,

Was read the third time.

Mr. Grigsby moved

That the bill be amended as recommended by the Committee on Judiciary.

The motion prevailed, and

The question being, shall the bill pass, and

The roll being called: there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Donovan, Foster.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 19,

A bill for an act regulating marriages and the solemnization thereof.

Was read the third time.

Mr. Hughes moved

That the substitute bill, reported by the Committee on Judiciary, be adopted.

The motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 15.

A Bill for an act to amend chapter 78 of the General Laws of 1885,

Was read the first time.

House Bill No. 31,

A bill for an act to repeal chapter 31 of the General Laws of 1881,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 13,

A bill for an act to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and to provide for terms of court therein,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 16.

A bill for an act to repeal chapter 84 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Cain moved

That the rules be suspended, and that Council Bill No. 90 be read a second time and referred.

The motion prevailed, and

Council Bill No. 90,

A joint resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly and making appropriation for the same,

Was read the second time and

Referred to the Committee on Public Printing.

The hour having arrived for the consideration of the

special order, the message of his Excellency the Governor, Mr. Sheldon of Day in the chair.

The message was, by unanimous consent, referred as follows:

All that portion of the message up to and including the subdivision "auditor"—Was referred to the Committee on Revenue.

That portion relating to the Superintendent of Public Instruction—Referred to the Committee on Education.

That portion relating to the Commissioner of Immigration—Referred to the Committee on Immigration.

That portion relating to the Board of Agriculture—Referred to the Committee on Agriculture.

That portion relating to the Board of Dental Examiners—Referred to the Committee on Public Health.

That portion relating to the Railway Commission—Referred to the Committee on Railroads.

That portion relating to the School for the Deaf and Dumb—Referred to the Committee on Education,

That portion relating to North Dakota University—Referred to the Committee on Education.

That portion relating to the University of Vermillion—Referred to the Committee on Education.

That portion relating to the Agricultural College—Referred to the Committee on Agriculture.

That portion relating to the Normal School at Madison—Referred to the Committee on Education.

That portion relating to the School of Mines—Referred to the Committee on Education.

That portion relating to Insane Hospitals—Referred to the Committee on Charitable and Penal Institutions.

That portion relating to inspection of Insane Hospitals—Referred to Committee on Charitable and Penal Institutions.

That portion relating to Prisons—Referred to the Committee on Charitable and Penal Institutions.

That portion relating to the government of Prisoners—Referred to the Committee on Charitable and Penal Institutions.

That portion relating to Pardons—Referred to the Committee on Judiciary.

That portion relating to the Militia—Referred to the Committee on Military Affairs.

That portion relating to contagious Pleuro-Pneumonia—Referred to the Committee on Public Health.

That portion relating to Board of Health—Referred to the Committee on Public Health.

That portion relating to the Census—Referred to the Committee on Territorial Affairs.

The portion relating to the New Orleans Exposition—Referred to the Committee on Territorial Affairs.

That portion relating to the Coming Exposition—Referred to the Committee on Territorial Affairs.

That portion relating to Women as Officials—Referred to Special Committee, consisting of Mr. McCumber.

That portion relating to a Soldiers' Home—Referred to the Committee on Military Affairs.

That portion relating to a Territorial Museum—Referred to the Committee on Territorial Affairs.

That portion relating to the Exemption Law—Referred to the Committee on Judiciary.

That portion relating to the Publication of the Laws—Referred to the Committee on Public Printing.

That portion relating to the Salaries of County Officers—Referred to the Committee on Counties.

That portion relating to Officers of Public Institutions—Referred to the Committee on Territorial Affairs.

That portion relating to Postponing Taxes—Referred to the Committee on Revenue.

That portion relating to the Insurance Law—Referred to the Committee on Insurance.

That portion relating to the Sale of Railway Lands for Taxes—Referred to the Committee on Revenue.

That portion relating to a Public Examiner—Referred to the Committee on Revenue.

That portion relating to the Extradition of Fugitives from Justice—Referred to the Committee on Judiciary.

That portion relating to Revising and Codifying the Statutes—Referred to the Committee on Judiciary.

That portion relating to the Titles of Laws—Referred to the Committee on Judiciary.

That portion relating to the Appointment of Regents, Directors, etc.—Referred to the Committee on Education.

That portion relating to the Act Limiting Territorial Indebtedness—Referred to the Committee on Revenue.

That portion relating to the question of admission— to the Committee on Federal Relations,

And the conclusion to a special committee consisting of Mr. Grigsby.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
January 24, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 50,

A joint resolution protesting against the removal of Ft. Abraham Lincoln,

Also,
House Bill No. 29.

A bill for an act to amend sections 37 and 43 of chapter 28 of the Political Code, which the House has amended by striking out sections 3 and 4 and numbering section 5 as 3, which bills have passed the House and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
January 24, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 40, A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory, which the House has passed.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Sheldon moved
That the Council do now adjourn.
The motion prevailed, and
The president announced that the Council stood ad-
journed.

T. A. KINGSBURY,
Chief Clerk.

FIFTEENTH DAY.

BISMARCK, January 25, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

COMMUNICATIONS.

The following communication was received:

To the Honorable, the Council of the Legislative Assembly of the Territory of Dakota:

In response to your resolution of the 18th inst., requiring the attorney general to report what methods, if any, have been provided by Congress for the selection of school lands by the Territory in cases where the Territory has been deprived of such lands by means of causes mentioned in sections Nos. 2275 and 2276 of the Revised Statutes of United States;

I beg leave to submit the following reply:

While by act of Congress specific authority is conferred upon the county commissioners of the several counties in Washington Territory to make the selection of such lands

in lieu of the school lands deficient in their respective counties, and by a later act of June 22, 1874, for the State of Missouri, the commissioner of the general land office was empowered to select in the State of Missouri such lands in lieu thereof as should be designated to him for that purpose by the county courts of the counties in which such school lands were deficient.

No specific authority is conferred upon anyone to make such selections in the Territory of Dakota.

I have the honor to remain,

Your obedient servant,

GEO. S. ENGLE,

Attorney General.

REPORTS OF STANDING COMMITTEES.

Mr. Cain from the Committee on Public Printing reported as follows:

MR. PRESIDENT:

Your Committee on Public Printing, to which was referred Council Bill No. 90, begs leave to report the same back and to recommend its passage, with the following amendments:

Strike out the words in lines 2 and 3 "from the public printer the printing;" and

Insert after the words "provided for," in line 12, the following: "Provided, that the space between any two lines of the body of any bill, joint resolution, or memorial, printed under the provisions of this joint resolution, shall not exceed one em pica; and provided further, that between any two head lines, or between the head lines and the body of any such bill, joint resolution or memorial, a space exceeding two ems pica shall not be permitted—the first head line to be not more than five ems pica from the top of the page.

JOHN CAIN,
Chairman.

Mr. Collins offered the following resolution and moved its adoption:

Resolved, By the Council of the Territory of Dakota, that the president of said Council be and hereby is authorized to appoint a clerk each for the committees on Railroads and on Banking, the said clerks to serve other committees when not engaged with the committees to which they are

appointed, and to receive five dollars (\$5) per day each from the day of their qualification.

Mr. Galloway requested that the question be divided.

Thereupon, the question being divided, the propositions, severally put, were adopted.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 98,

Introduced by Mr. Campbell—

A bill for an act to appropriate funds to pay expenses incurred by the Territorial militia at Territorial encampment held at Fargo, Dakota, in September 1885,

Was read the first time.

Council Bill No. 99,

Introduced by Mr. Campbell—

A bill for an act to provide for the collection of taxes in incorporated cities in the Territory of Dakota,

Was read the first time.

Council Bill No. 100,

Introduced by Mr. McCumber—

A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,

Was read the first time.

Council Bill No. 101,

Introduced by Mr. Weiser—

A bill for an act to regulate liquor license,

Was read the first time.

Council Bill No. 102,

Introduced by Mr. Galloway—

A bill for an act for the preservation of game birds,

Was read the first time.

Council Bill No. 103,

Introduced by Mr. Ericson—

A bill for an act entitled an act to repeal an act to amend the charter of the city of Elk Point, Union county, approved March 12, 1885,

Was read the first time.

Council Bill No. 104.

Introduced by Mr. Matthews—

A bill for an act to amend section 38, chapter 28 of the Political Code, entitled revenue,

Was read the first time.

Council Bill No. 105,

Introduced by Mr. Matthews—

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled Township Government,
Was read the first time.

Council Bill No. 106,

Introduced by Mr. Grigsby—

A bill for an act to exempt the proceeds of life insurance from execution,
Was read the first time.

Council Bill No. 107,

Introduced by Mr. Grigsby—

A bill for an act to remove the political disability of Henry Muchow,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 83,

A bill for an act to amend section 67 of chapter 44 of the Laws of the Fifteenth Legislative Assembly,
Was read the second time and
Referred to the Committee on Education.

Council Bill No. 84,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same,

Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 85,

A bill for an act to repeal chapter 105 of the Laws of 1883 entitled an act to amend section 197, article 4, of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 86,

A bill for an act to amend section 1, chapter 1 of the Justice's Code,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 87,

A bill for an act to encourage and aid county agricultural societies and develop the higher system of husbandry

Was read the second time and
Referred to the Committee on Agriculture.

Council Bill No. 88,

A bill for an act to provide for the levy and collection of taxes on the property of telegraph, telephone, express and sleeping car companies doing business in this Territory.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 89,

A bill for an act entitled an act to amend chapter 26 of the Penal Code,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 91,

A bill for an act to amend chapter 72 of Laws of 1883, relating to the selection of jurors,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 93,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota, and to define their terms of office, duties and compensation,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 94,

A bill for an act to amend section 1 of chapter 17 of the Political Code in relation to notaries public,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 96,

A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 97,

Joint resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock,

Was read the second time and

Referred to the Committee on Public Health.

THIRD READING OF COUNCIL BILLS.**Council Bill No. 90,**

A joint resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly, and making appropriation for the same,

Was read the third time.

Mr. Cain moved

That the bill be amended as recommended by the report of the Committee on Public Printing,

Which motion prevailed.

Mr. Dodge moved

That the bill be recommitted to the Committee on Appropriation,

Which motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 16; nays, 7; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Ericson, Foster, Grigsby, Harstad, Martin, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Dodge, Donovan, Galloway, Hughes, Lawler, McCumber.

Absent and not voting:

Mr. Mead.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

FIRST READING OF HOUSE BILLS.**House Bill No. 29,**

A bill for an act to amend sections 37 and 43. of chapter No. 28, of the Political Code,

Was read the first time.

House Bill No. 50,

A joint resolution protesting against the removal of Fort Abraham Lincoln,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 15,

A bill for an act to amend chapter 78, of the General Laws of 1885.

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 31,

A bill for an act to repeal chapter 31, of the General Laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary,

Mr. Hughes moved

That the rules be suspended and that House Bill No. 50 be read a second and third time and put on its passage.

The motion prevailed, and

House Bill No. 50,

A joint resolution protesting against the removal of Ft. Abraham Lincoln,

Was read a second and third time, and

The question being shall the bill pass and

The roll being called there were

Ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put

The title was agreed to.

Mr. Mead moved

That the subject of the communication of the attorney general received this day be referred to the Committee on Public Printing,

Which motion prevailed.

Mr. Mead, from the Committee on Engrossed and En-

rolled Bills, reported Council Bills Nos. 25 and 40 as correctly enrolled and Council Bills Nos. 40, 32, 25 and 12 as delivered to the his Excellency the Governor this day at 3:15 p. m.

The special order for this day being Council Bill No. 73, a bill for an act for the formation of boards of trade and chambers of commerce,

Mr. Galloway moved

That the consideration of the same be postponed until the 28th inst.,

Which motion prevailed.

The president announced the appointment of Mr. W. B. Collins as clerk of the Committee on Railroads and of Mr. Robert Buchanan as clerk of the Committee on Banks and Banking.

Mr. Dodge moved

That the Council do now adjourn.

The motion prevailed and

The president announced that the Council stood Adjourned.

T. A. KINGSBURY,
Chief Clerk.

SIXTEENTH DAY.

BISMARCK, January 26, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

REPORTS OF COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Counties to whom was referred Council Bill No. 75, report that they have had the same under consideration and recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred Council Bill No 52, beg leave to report that they have had the same under consideration and recommend that it do pass with the following amendments: Strike out all that portion after the enacting clause and insert in lieu thereof the following, commencing with section 1, as in the bill hereto attached :

Council Bill No. 52,

Introduced by Mr. Washabaugh.

A BILL

For an act concerning the burial of soldiers, sailors or marines, who served in the Union Army during the war of the rebellion.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That all honorably discharged soldiers, sailors or marines who served in the army, navy or marine corps of the United States during the war of the rebellion, who shall hereafter die within this territory, and whose relatives or friends are unable or unwilling to defray the charges of their funeral, shall be buried at the expense of this Territory; such funeral expenses, including cost of burial lot, shall not in any case exceed the sum of fifty dollars.

SEC. 2. The interment shall be in this territory, and shall not be made in any cemetery or plot used exclusively for the burial of the pauper dead.

SEC. 3. Upon notice to the judge of probate of the death of any soldier, sailor or marine within his county, mentioned in section 1 hereof, it shall be the duty of said judge of probate to appoint a suitable person, whose duty it shall be to carry into effect the provisions of this act in reference to the burial of such deceased soldiers, sailors or marines, for which service said person so appointed shall receive a fee not to exceed three dollars. It shall also be made the duty of the judge of probate to immediately notify the secretary of war of the death of any such soldier, sailor or marine, furnishing him with the name, age, date of birth, date of death, designating the company, regiment and name of the organization in

which said soldier, sailor or marine served, and request that the said secretary of war furnish a headstone for such deceased soldier, sailor or marine, under the provisions of an act of Congress authorizing the secretary of war to erect headstones over the graves of Union soldiers who have been interred in private city or village cemeteries, approved February 3, 1879, and when said headstone is so furnished, it shall be the duty of said judge of probate, or other person designated by him for such purpose, to cause the grave of said soldier, sailor or marine to be marked with such headstone, and the expense of erecting a headstone which may be furnished by the government of the United States to mark the grave of a soldier, sailor or marine buried in this Territory shall be paid by the Territory, the expense not to exceed in any case the sum of five dollars.

SEC. 4. All expenses of this act shall be approved, allowed and certified to in duplicate by the judge of probate in the county in which said soldier, sailor or marine died, or is buried; such certificates, both original and duplicate, to be delivered by the judge of probate to the county clerk, or auditor of such county, the original of which shall be by him forwarded at once to the auditor of the Territory, the duplicate to remain upon the files of his office. Upon the receipt by the auditor of the Territory of such certificate, he shall draw his warrant on the Territorial treasurer in favor of the judge of probate for the amount specified therein.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

They further report that inasmuch as said Council Bill No. 52, as recommended to be amended by this committee contains and accomplishes the objects sought in Council Bill No. 57, also referred to them, they recommend that no further action be taken on said Council Bill No. 57.

P. J. McCUMBER,
Chairman.

Mr. Cain moved

That the vote by which Council Bill No. 90 was yesterday passed be reconsidered.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 108,

Introduced by Mr. Grigsby—

A bill for an act to reimburse the trustees of the school for deaf mutes for services rendered,

Was read the first time.

Council Bill No. 109,

Introduced by Mr. Dodge--

A bill for an act to create a tax on dogs, and indemnity to persons sustaining damages to sheep from vicious dogs and the protection of persons and property.

Was read the first time.

Council Bill No. 110,

Introduced by Mr. Cain—

A bill for an act to provide for holding an annual Territorial fair and fat stock show,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 19, Substitute,

A bill for an act to regulate marriages and the solemnization thereof,

Was read a second time and

Ordered to pass to its third reading this day.

Council Bill No. 98,

A bill for an act to appropriate funds to pay the expenses incurred by the Territorial Militia at Territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the second time and

Referred to the Committee on Military Affairs.

Council Bill No. 99,

A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 100,

A bill for an act to establish a home for disabled soldiers, sailors, and marines in the Territory of Dakota,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 101,

A bill for an act to regulate liquor license

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 102,

A bill for an act for the preservation of game birds,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 103,

A bill for an act entitled an act to repeal an act to amend the charter of the city of Elk Point, Union county, approved March 12, 1885,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code entitled Revenue,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112, of the Session Laws of 1883, entitled Township Government,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 106,

A bill for an act to exempt the proceeds of life insurance from execution,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 107,

A bill for an act to remove the political disability of Henry Muchow,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 26, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 53,

A bill for an act to provide fuel for the capitol, which the House has passed.

Also,

House Bill No. 21,

A bill for an act to amend section 121 of the Code of Civil Procedure.

Also,

House Bill No. 88.

A bill for an act providing for the extension of time for payment of taxes of 1886,

Which the House has passed and your favorable consideration thereof is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE. {
January 26, 1887. }

To the Honorable the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 25.

Entitled an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.

Also,

Council Bill No. 32,

Being a joint resolution providing for the publication of 500 copies of an act of Congress of the United States, entitled "An act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness and for other purposes."

GILBERT A. PIERCE,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 19, Substitute,

A bill for an act to regulate marriages and the solemnization thereof,

Was read the third time.

Mr. Allin moved

That the bill be amended by inserting in line 3 of section three in lieu of the words "judge of probate" the

words, "the recorder of any incorporated city, town or village," and the same in all subsequent sections where the words "judge of probate" occur.

The motion was lost.

Mr. McCumber moved

That the bill be amended by inserting in section 8, after the words "probate court," the words "or clerk of district court."

The motion prevailed.

Mr. Hughes moved

That the bill be amended by striking out in section 11 the words "its passage and approval" and inserting in lieu thereof the words "June 1, 1887."

The motion prevailed.

Mr. Cain moved

That the words at the end of section 6, "as prescribed in the following section hereof," be stricken out.

The motion prevailed.

Mr. Donovan moved

That further consideration of the bill be postponed until Monday next at 3:00 p. m.

The motion was lost.

The question then being, shall the bill pass, and
The roll being called, there were ayes, 22; nays. 2.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Martin.

So the bill passed, and

The question being as to its title, and being put.

Its title was agreed to.

Council Bill No. 90.

A joint resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly and making appropriation for the same.

The vote on the passage of which had been reconsidered, was again read, and

The question being shall the bill pass,

Mr. Washabaugh moved

A call of the House, and the call being seconded as required and the roll being called, the members all responded to their names except Mr. Grigsby.

The sergeant-at-arms was directed to bring in the absent member.

Mr. Smith then moved

That further proceedings under the call be dispensed with.

Which motion was lost.

After some further time,

Mr. Wells moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Dodge moved

That the bill be amended by striking out all of the bill after the enacting clause and inserting:

SECTION 1. That the secretary of the Territory be and he is hereby authorized to procure from the public printer the printing at a rate not exceeding that established by the government and paid by him for similar work, the printing of all bills, joint resolutions, memorials, and other documents ordered printed by the Council and house of Representatives at this session, and for which payment has not been otherwise provided for. Upon presentation to the territorial auditor of a properly verified account for printing done under the provisions of this resolution, certified to by the secretary of the Territory, the auditor shall draw his warrant upon the territorial treasurer for the amount of said bill or bills, and there is hereby appropriated from the territorial treasury such sum as may be necessary to pay for said printing.

Mr. Washabaugh moved

That the amendment be amended by striking out the words "from the public printer."

Which motion prevailed.

Mr. Cain moved

That the amendment be further amended by striking out the words, "the printing," where they first occur in the proposed amendment,

Which motion prevailed.

The amendment as amended was then adopted, and

The question being, shall the bill as amended pass, and
The roll being called there were ayes, 23; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Foster, Galloway, Harstad, Hughes,
Lawler, Martin, McCumber, Mead, Sheldon of Day, Shel-
don of Hand, Smith, Washabaugh, Weiser, Wells, Mr.
President.

Those who voted in the negative were:

Mr. Grigsby.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session
Laws of 1881,

Was read the third time and

The question being, shall the bill pass and

The roll being called, there were ayes, 21; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan,
Ericson, Foster, Galloway, Harstad, Hughes, Martin, Mc-
Cumber, Mead, Sheldon of Day, Sheldon of Hand, Smith,
Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Grigsby.

Absent and not voting:

Messrs. Bogert, Lawler.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No 52,

A bill for an act concerning the burial of soldiers and
sailors who served in the Union army during the war of the
rebellion,

Was read the third time.

Mr. Collins moved

That the bill be amended as recommended in the report
of the Committee on Territorial Affairs,

Which motion prevailed.

Mr. Washabaugh moved

That the bill be further amended by adding to section 4, and inserting section 5 as follows:

And it is hereby made the duty of the probate judge to pay the same over to the person or persons entitled thereto.

SEC. 5. There is hereby appropriated out of the treasury of the Territory a sum sufficient to carry out the provisions of this act.

The motion prevailed and

The question then being shall the bill pass, and

The roll being called, there were

Ayes, 23; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Martin.

So the bill passed, and the question being as to its title, and being put

• Its title was agreed to.

Council Bill No. 57.

A bill for an act to provide for the burial of honorably discharged soldiers, sailors and marines who may die without sufficient means to defray funeral expenses and to provide headstones for the same.

Was read the third time.

Mr. McCumber moved.

That further consideration of the bill be indefinitely postponed as recommended by the Committee on Territorial Affairs.

The motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 21,

A bill for an act to amend section 121 of the Code of Civil Procedure,

Was read the first time.

House Bill No. 88,

A bill for an act providing for the extension of the time for the payment of the taxes of 1886,

Was read the first time.

Mr. Foster moved

That the rules be suspended and that House Bill No. 88 be read the second and third time and put upon its passage.

The motion prevailed, and

The bill was read the second and third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Mead, from the Committee on Enrollment, reported that

Council Bill No. 53 was correctly enrolled and had been delivered to his Excellency the Governor this day at 4 p. m.

Mr. McCumber moved

That the Council do now adjourn.

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

SEVENTEENTH DAY.

BISMARCK, January 27, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain. .

The roll was called and the members all responded to their names.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented:

To the Honorable, the Council of the Legislative Assembly of the Territory of Dakota:

GENTLEMEN:

We, your petitioners, being citizens and legal voters of this Territory, and engaged and interested in stock raising, and knowing by actual observation and experience that dogs are very annoying and detrimental to said stock raising interests, and particularly so to sheep raising, do respectfully petition your honorable body to enact, or cause to be enacted, a law requiring dogs to be taxed in this territory, at a rate of not less than \$1 for every male dog, and a sum not less than \$2 for every female dog; said sum to be collected as other taxes on personal property, and said tax to be set apart as a fund to pay losses on sheep where the dogs cannot be traced to the owners of the dogs that killed the sheep.

J. C. PLANK,
J. M. FARRELL,
W. H. BLY,
F. A. WHITE,
W. A. FARRELL,
J. D. McMILLAN.

The petition was referred to the Committee on Agriculture.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Altamont, county of Deuel, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JAMES CAMPBELL, et al.

The petition was referred to the Committee on Territorial Affairs.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred Council Bills Nos. 65, 71 and 97, beg leave to report that they have had the same under consideration and report as follows:

That No. 97, a joint resolution authorizing a committee to confer with the authorities of Montana in relation to contagious diseases of live stock, be adopted, and that Bills No. 65 and 71, bills for an act to encourage the study of anatomical science, be not passed.

P. C. DONOVAN,

Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred Council Bills Nos. 51, 56, 58, 69 and 81 and House Bill No. 31 report that they have had the same under consideration and recommend that said Council Bills Nos. 51, 58 and 69 and said House Bill No. 31 be passed; that said Council Bill No. 56 be amended by striking out the words "take his advice," in the last line of section 1 of said act, and inserting in lieu thereof the words "consult with him;" that said Council Bill No. 81 be amended by striking out the word "taken," in line 5 of the printed bill, and by insert-

ing the word "construed" in lieu thereof; and with these amendments, they recommend that the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Federal Relations, to whom was referred

House Bill No. 62,

A joint resolution providing for the opening of the Devils Lake Indian Reservation,

Beg leave to report same back to Council without recommendation.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred Council Bill No. 63, report that they have had the same under consideration, and recommend that said bill be referred to the Committee on Appropriations.

ALEXANDER HUGHES,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 111,

Introduced by Mr. Donovan—

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Was read the first time.

Council Bill No. 112,

Introduced by Mr. Matthews—

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,

Was read the first time.

Council Bill No. 113,

Introduced by Mr. Matthews—

A bill for an act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory,

Was read the first time.

Council Bill No. 114,

Introduced by Mr. Collins—

A bill for an act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, of chapter 20, Special Laws of 1885,
Was read the first time.

Council Bill No. 115,
Introduced by Mr. Bogert—

A bill for an act entitled an act for the assessment and taxation of railroad companies,

Was read the first time.

Council Bill No. 116,
Introduced by Mr. Lawler—

A bill for an act to extirpate contagious pleuro-pneumonia, foot and mouth disease, rindespest, glanders, and farcy among live stock and for other purposes,

Was read the first time.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public library associations,

Was read the first time.

Council Bill No. 118,
Introduced by Mr. Hughes—

A bill for an act amending section 237, Code of Civil Procedure,

Was read the first time

Council Bill No. 119,
Introduced by Mr. Hughes—

A bill for an act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same,

Was read the first time.

Council Bill No. 120,
Introduced by Mr. Sheldon—

A joint resolution providing for compensation of clerks of the Judiciary Committees of the Council and House,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 108,

A bill for an act to reimburse the trustees of the school for deaf mutes for services rendered.

Was read the second time, and
Referred to the Committee on Appropriations.

Council Bill No. 109,

A bill for an act to create a tax on dogs, and indemnity to persons sustaining damages to sheep from vicious dogs and the protection of persons and property,

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 110,

A bill for an act to provide for holding an annual Territorial fair and fat stock show,

Was read the second time and

Referred to the Committee on Agriculture.

MESSAGE FROM THE EXECUTIVE.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
January 27, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 53, entitled

A bill for an act to provide fuel for the Capitol.

Also,

Council Bill No. 40, entitled

A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory, and prescribe the rate of interest thereon.

GILBERT A. PIERCE,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home, and providing funds therefor, reported from the Committee on Judiciary,

Was referred to the Committee on Appropriations.

Council Bill No. 97,

A joint resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes. 23: nays, none: not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Lawler.

So the bill was passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 65,

A bill for an act for the encouragement of anatomical science, and for other purposes, and

Council Bill No. 71,

A bill for an act to encourage and promote the study of the science of medicine,

Were this day reported from the Committee on Public Health.

Mr. Wells moved

That the bills be referred to a special committee of five, to be appointed by the president.

The motion prevailed, and

The president appointed as such committee Messrs. Wells, McCumber, Bogert, Mead and Dodge.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 27, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 26,

A bill for an act to amend section 1, chapter 26, General Laws of 1879.

Also,

House Bill No. 66,

A bill for an act to amend and re-enact section 2042 of the Civil Code of Dakota.

Also,

House Bill No. 74.

A bill for an act to amend subdivision 1, of section 320, of chapter 26, of the Penal Code.

Which have passed the House of Representatives, and your concurrence in the same is asked.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 27, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 24,

A bill for an act to amend section 3 of chapter 94 of the General Laws passed in the year 1883,

Which was amended by the House of Representatives by striking out the word "session" in the enacting clause in section 1 and inserting in lieu thereof the word "General," and as amended did pass the House of Representatives January 26, 1887, and your concurrence in same is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Council Bill No. 81,

A bill for an act to amend an act to provide for the organization of civil townships and the government of the same.

Was read the third time.

Mr. Ericson moved

That the word "taken" therein be stricken out and the word "construed" be inserted in lieu thereof,

Which motion prevailed, and

The question then being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Those voting in the negative were :

Mr. Martin.

Absent and not voting:

Messrs. Bogert, Lawler, Wells.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 56,

A bill for an act to amend section 94 of the Code of
Criminal Procedure, in relation to the preliminary exam-
ination of persons charged with crime,

Was read the third time.

Mr. Wells moved

That the bill be amended as recommended in the report
of the Committee on Judiciary.

The motion prevailed and

The question being, shall the bill pass, and

The roll being called, there were ayes, 20; nays, none; not
voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson,
Foster, Galloway, Grigsby, Hughes, Martin, McCumber,
Mead, Sheldon of Day, Sheldon of Hand, Smith, Wash-
abaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Harstad, Lawler.

So the bill passed, and

The question being as to its title,

Mr. Ericson moved

That the title be amended by striking out the words "to
amend section 95 of the Code of Criminal Procedure,"

Which motion prevailed, and

The title as amended was agreed to.

Council Bill No. 51,

A bill for an act to amend section 1 of chapter 117 of the
laws passed at the Sixteenth Legislative Assembly, ap-
proved March 13, 1885,

Was read the third time and

The question being, shall the bill pass, and

The roll being called, there were ayes, 21; nays, none;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Dono-
van, Ericson, Foster, Galloway, Grigsby, Hughes, Martin,
McCumber, Mead, Sheldon of Day, Sheldon of Hand,
Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:
Messrs. Collins, Harstad, Lawler.

So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 58,

A bill for an act to amend section 29 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election powers and duties of county officers,

Was read the third time.

Mr. Smith moved
That the proviso thereto be stricken out,
Which motion prevailed.

Mr. Hughes moved
That the bill be amended by adding the following:
"Subject to the right of appeal as provided for in other cases, and provided that no warrant shall be drawn or payment be made in settlement of any such claim amounting to \$100 or over, until twenty days after the publication of the minutes of the proceedings of the board, which minutes shall contain a statement of the terms of such settlement."

Mr. Grigsby moved
That the Council adjourn,
Which motion was lost.

Mr. Ericson moved
That the bill be made a special order for to-morrow, at 3:30 o'clock,
Which motion was lost.

The question then being on the motion to amend, the motion prevailed.

The question then being shall the bill pass, and
The roll being called, there were, ayes, 15; nays, 8; not voting, 1.

Those who voted in the affirmative were:
Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, McCumber, Mead, Sheldon of Day, Smith, Washabaugh, Wells. Mr. President.

Those who voted in the negative were:
Messrs. Allin, Bogert, Cain, Grigsby, Harstad, Martin, Sheldon of Hand, Weiser.

Absent and not voting, Mr. Lawler.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Was read the third time and

The question being, shall the bill pass and

The roll being called there were ayes, 23; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Lawler.

So the bill passed, and

The question being as to its title, and being put
Its title was agreed to.

Mr. W. B. Collins, clerk of the Committee on Railroads, was sworn as an officer of the Council.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 27, 1887. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 90,

A joint resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly and making appropriation for the same,

Which has this day passed the House of Representatives,

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 27, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Joint Resolution No. 97,

Authorizing the appointment of a committee to confer
with the authorities of Montana in relation to measures for
the prevention and suppression of contagious diseases
among live stock,

Which has this day passed the House of Representa-
tives.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Bogert moved
That the Council do now adjourn.
The motion prevailed and
The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

EIGHTEENTH DAY.

BISMARCK, January 28, 1887.

The Council met pursuant to adjournment and was called
to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to
their names.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petition was presented and referred to the
Committee on Counties:

*To the Honorable, the Legislative Assembly of the Terri-
tory of Dakota:*

GENTLEMEN:

We, the undersigned citizens residing within the limits

of the proposed district, having no school facilities and suffering great inconvenience in other educational matters, which we believe can only be obviated by our separation from a district too large to be successfully managed, do respectfully petition your honorable body to set apart as an independent school district sections 19, 20, 21, 28, 29, 30, 31, 32 and 33, all in town one hundred and seven (107) north of range fifty-four (54) west, which will make a district 3x3 miles, filling space north and south between already independent districts, and that our cause may receive prompt and favorable attention, your petitioners will ever pray.

EDWARD L. BRADBURY, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations beg leave to report that they have had under consideration

Council Bill No. 67,

A bill for an act authorizing cities, towns and incorporated villages to refund outstanding bonded indebtedness,

And report the same back with the following amendments and, that when so amended, recommend that the bill do pass, viz.:

First. That the word "bearer," in line numbered 4, section 2, of the printed bill, be stricken out and the word "order" be inserted in lieu thereof.

Second. That the words "towns and villages" be stricken out of the title of the bill, and out of the body of the bill wherever the same do occur.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred Council Bills Nos. 76, 79 and 85, report that they have had the same under consideration and recommend that said bills Nos. 76, 79 and 85 be passed, and that said bill No. 60 be not passed.

ALEXANDER HUGHES,
Chairman.

The following resolution was offered:

Resolved, That in estimating the period of service of the

officers, clerks and employes of this Council who are paid by the Territory, all the days occurring during such period be included, the same as in the case of members and officers paid by the general government, unless otherwise provided in the act or resolution under which they were appointed.

Mr. Ericson moved
That the resolution be adopted,
Which motion prevailed.

Mr. Wells moved
That the Council concur in the House amendment to Council bill No. 24,
Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 121,
Introduced by Mr. Galloway—
A bill for an act to provide for incorporation of cities,
Was read the first time.

Council Bill No. 122,
Introduced by Mr. Hughes—
A bill for an act to provide for the further security of human life in buildings and halls used for public purposes,
Was read the first time.

Council Bill No. 123,
Introduced by Mr. Hughes—
A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and repeal sections 397 and 400 of the Code of Civil Procedure,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 111,
A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,
Was read the second time and
Referred to the Committee on Agriculture.

Council Bill No. 112,
A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,
Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 113,

A bill for an act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory.

Was read the second time, and

Referred to the Committee on Federal Affairs.

Council Bill No. 114,

A bill for an act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, of chapter 20, Special Laws of 1885,

Was read the second time and

Referred to the Committee on Revenue.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 67,

A bill for an act authorizing cities, towns and incorporated villages to refund outstanding bonded indebtedness,

Was read the third time.

Mr. Smith moved

That the recommendations of the report of the Committee on Cities and Municipal Corporations be adopted,

Which motion prevailed.

Mr. Hughes moved

That the vote by which the report of the committee on the bill was adopted be reconsidered,

Which motion prevailed.

Mr. Hughes moved

That the report of said committee be adopted excepting its recommendation to strike out the word "bearer" and insert "order,"

Which motion prevailed and

The question then being shall the bill pass and

The roll being called, there were ayes, 24; nays, none; not voting, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 60,

A bill for an act to amend section 89, chapter 21, of the
Political Code,

Was read the third time and

The question being shall the bill pass, and.

The roll being called, there were ayes, none; nays, 24.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Foster, Galloway, Grigsby, Harstad,
Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day,
Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr.
President.

So the bill was lost.

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chap-
ter 12 of the Code of Civil Procedure, relating to trials and
judgments in civil actions,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were: Ayes, 19; nays, none;
not voting, 5,

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Grigsby, Harstad, Hughes, Lawler,
Martin, McCumber, Mead, Sheldon of Day, Smith, Weiser,
Mr. President.

Absent and not voting:

Messrs. Foster, Galloway, Sheldon of Hand, Washabaugh,
Wells.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to,

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of
officers to make reports required by law, and prescribing
the duties of the attorney general in relation thereto,

Was read the third time.

Mr. Hughes moved

That the bill be amended by the insertion of an enact-
ing clause,

Which motion prevailed and
 The question then being shall the bill pass, and
 The roll being called there were ayes, 22; nays, none;
 not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Dodge, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 85,

A bill for an act to repeal chapter 105 of the Laws of 1883 entitled an act to amend section 197, article 4, of the Code of Civil Procedure,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 4; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Galloway, Smith, Mr. President.

Absent and not voting:

Messrs. Cain, Collins, Hughes.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 26,

A bill for an act to amend section 1, chapter 26, General Laws of 1879,

Was read the first time.

House Bill No. 66,

A bill for an act to amend and re-enact section 2042 of the Civil Code of Dakota,

Was read the first time.

House Bill No. 74,

A bill for an act to amend subdivision 1 of section 320 of chapter 26 of the Penal Code.

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 21,

A bill for an act to amend section 121 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 29,

A bill for an act to amend sections 37 and 43, of chapter No. 28, of the Political Code,

Was read the second time and

Referred to the Committee on Revenue.

THIRD READING OF HOUSE BILLS.

House Bill No. 31,

A bill for an act to repeal chapter 31 of the General Laws of 1881,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Dodge, Grigsby, Hughes, Lawler, Smith.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 62,

A joint resolution providing for the opening of the Devils Lake Indian Reservation,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 14; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Donovan, Ericson, Foster, Harstad, Martin, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those voting in the negative were:

Messrs. Galloway, McCumber.

Absent and not voting:

Messrs. Bogert, Cain, Dodge, Grigsby, Hughes, Lawler, Smith, Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to,

The special order for this hour,

Council Bill No. 73,

A bill for an act for the formation of boards of trade and chambers of commerce,

Was read the third time.

Mr. Galloway moved

That the bill be laid on the table,

Which motion prevailed.

Mr. Mead submitted the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills report Council Bills Nos. 90 and 97 as properly enrolled and that the same were this 28th day of January, 1887, at 4 p. m., deposited with his Excellency the Governor.

C. D. MEAD,
Chairman.

Mr. Ericson moved

That the Council do now adjourn,

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

NINETEENTH DAY.

BISMARCK, January 29, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 29, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 41,

A bill to amend sections 15 and 16 of chapter 122 of the Laws of 1881,

Also,

House Bill No. 43,

A bill for an act to amend an act entitled an act to create the office of district attorney, etc., being chapter 45 of the General Laws of 1885, and

Joint Resolution No. 72,

. A bill for an act to prohibit the sale of intoxicating liquors in any building used or occupied by the Territorial officers or the Legislative Assembly of the Territory of Dakota,

Which have passed the House of Representatives, and your concurrence is asked.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
January 29, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as
a notary public of the Territory of Dakota,

Also,

Council Bill No. 13,

A bill for an act entitled an act to legalize an election
held in the city of Sioux Falls, and for other purposes,

Which the House of Representatives has concurred in.

Respectfully,

W. G. EAKINS,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

The following petition was referred to the Committee on
Agriculture.

*To the Legislative Assembly of the Territory of Da-
kota, 1887:*

We, the undersigned, settlers of Walsh county, D. T.,
would respectfully petition your honorable body to pass a
law granting aid to farmers where crops have been or may
hereafter be destroyed by hail, drought or otherwise—that
said law be in substance as follows:

That the county commissioners of the respective coun-
ties of this Territory be empowered, upon application to
them made, to grant such aid as in their discretion may be
just to farmers whose crops have been destroyed by hail,
drought or otherwise, by supplying them with seed grain
with which to seed their farms for the succeeding year,
either in purchasing same outright or loaning same to be
returned bushel for bushel when a crop is raised from said
seed, as they think best—it being expressly understood
that said commissioners will be under no legal obligation
to furnish said seed grain unless they deem it best so
to do.

That the commissioners be further empowered to grant
an extension of the payment of taxes to farmers whose
crops have been destroyed by hail, drought or otherwise
for one year from time same become due, without penalty,
interest or cost to said farmers—this also to be left to the
discretion of said commissioners.

JOHN HAZZARD, et al.

The following remonstrance was referred to the Committee on Judiciary:

IROQUOIS, DAKOTA, {
January, 25, 1887. }

To the Honorable, the Council and House of Representatives of the Legislative Assembly of Dakota:

The undersigned, residents of Kingsbury county, Dakota, respectfully remonstrate against the transfer of Kingsbury county to the Fourth judicial district. A large portion of our court work is done at chambers. The probability is that the proposed change will take this work from Huron to Sioux Falls, which will occasion an expense to litigants very much greater than they are now compelled to pay.

Every attorney in this county can start from his home, reach Huron and return the same day, and usually expend only half a day's time, and only from \$2 to \$3 for necessary expenses.

To go to Sioux Falls and return will consume parts of at least three days, and not less than two full days, and at least three times more for expenses, than to go to Huron; and, if a motion shall be set for Saturday, the attorney will usually be compelled to leave this county on Friday and return on Monday, since the trains from Salem reach Sioux Falls at or after 6 o'clock p. m., and do not run from Sioux Falls to Salem at all on Sunday. On week days the only train from Sioux Falls, by which passengers can make connections so as to reach this county on the same day, leaves Sioux Falls at 8 o'clock a. m.

We do not think that any supposed advantages which may result from a change of this county to the Fourth district will at all compensate the people for the disadvantages.

Respectfully submitted,

A. P. SCHEMAN, et al.

And the following was referred to the Committee on Revenue:

Be it resolved, by the city council of the city of Brookings, D. T.

That, in the judgment of this council, the present method of paying municipal taxes and other taxes on municipal property in this city is annoying, inconvenient and has been in several instances the occasion of pecuniary loss to the property owner.

That the council believe that this difficulty can be overcome by such enactment of Legislature as will require the payment of all taxes on municipal property in the city of Brookings, D. T. to its treasurer.

That this council request through its clerk, such action on the part of Hon. G. A. Matthews, councilman for this legislative district, as will remedy this matter in the future.

Adopted January 24, 1887. Approved January 24, 1887.

H. H. NATWICK,
Mayor.

Attest : D. J. DARROW,
County Clerk.

Mr. Washbaugh submitted the following report :

MR. PRESIDENT:

Your Committee on Joint Rules beg leave to report and recommend the passage of the following joint resolution:

Resolved, By the Council, the House of Representatives concurring, that the joint rules of the Council and House of Representatives in force at the close of the last session of the Legislature of this Territory be and the same are hereby adopted as the joint rules of the two Houses for the Seventeenth session of the Legislative Assembly of Dakota.

Respectfully submitted,
F. J. WASHBAUGH,
For Council Committee on Joint Rules.

Mr. Washbaugh moved
That the resolution be adopted,
Which motion prevailed.

Mr. Smith offered the following resolution:

Resolved, That the president of the council be and he is hereby authorized to appoint a clerk for the committee on printing, whose duty it shall be to make accurate measurement of all printed matter ordered by or printed for the council from day to day during the session. The amount and cost thereof, as provided for, to be certified to and filed with the chairman of said printing committee, and that said clerk be authorized to procure copies of all printed matter furnished this council prior to this date, to be measured and filed as provided for in this resolution. The salary of said clerk is hereby fixed at \$5 per day.

Mr. Donovan moved

That the consideration of the resolution be postponed until Monday next at 3 p. m.,

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, {
January 29, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 97,

Being a joint resolution for the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock.

Also,

Council Bill No. 90,

Providing for the printing of bills and other documents of the Seventeenth Legislative Assembly, and making appropriation to pay for the same.

GILBERT A. PIERCE,
Governor.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your special committee to whom was referred Council Bills Nos. 68 and 71 report that they have had the same under consideration and report by a substitute bill.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

A minority of your committee to whom were referred Council Bills Nos. 65 and 71, being unable to accord with the majority views thereof, as expressed in their report do hereby submit a report in relation to said bills as follows:

That the said act of the state of New York is not adapted to the wants of this territory and is not applicable thereto. That under said act dead bodies, even against the last prayer and request of the deceased, may be used for dissecting purposes. That such a law could only be effected on the happening of some anticipated event and would under the present state of our public and private institutions be entirely useless.

The minority of your committee would further report that Council Bill No. 71 be amended by striking out after the word "purpose" in section 1, the words "of medical and surgical study" and inserting in lieu thereof the words "of anatomical and pathological demonstration or study."

That it be further amended by inserting after section 1 the following:

SEC. 2. DELIVERY AND CERTIFICATE OF IDENTIFICATION.]
The person so authorized to deliver such dead bodies as aforesaid shall deliver the same only to such superintendents, wardens, coroners, city undertakers, and to reputable practicing physicians in the Territory, and before the delivery thereof shall require proper assurance that the body shall be used for anatomical and pathological demonstration or study only, and immediately after such delivery the person delivering the same shall make and subscribe a certificate, showing as near as can be ascertained, the name, age and residence of such deceased, the date of death and cause thereof, the name and postoffice address of any relative or relatives, the person, society or school to whom said dead body was delivered, and may contain any other matter proper or necessary to assist in the identification of such deceased person, which certificate shall be filed by the person subscribing the same, with the judge of probate for the county in which such dead body was so delivered. That it be further amended by numbering the sections now numbered 2 and 4 so that the same shall read 3, 4 and 5, respectively, and as so amended a minority of your committee do recommend that Council Bill No. 21 do pass.

P. J. McCUMBER.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 124,

Introduced by Mr. Smith—

A bill for an act to lessen the danger from stampedes in case of fires in buildings used for public assemblages,

Was read the first time

Council Bill No. 125,

Introduced by Mr. Cain—

A bill for an act providing for certain legal printing and fixing the compensation therefor,

Was read the first time.

Council Bill No. 126,

Introduced by Mr. Cain—

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Territory of Dakota, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it, and for other purposes,

Was read the first time.

Council Bill No. 127,

Introduced by Mr. Bogert—

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,

Was read the first time.

Council Bill No. 128,

Introduced by Mr. Galloway—

A bill for an act to amend the name of the Moravian society of tp. 139 n., r. 52 w.,

Was read the first time.

Council Bill No. 129,

Introduced by Mr. Hughes—

A bill for an act for the relief of indigent ex-soldiers, sailors and marines, and the widows and orphans and dependent parents of deceased ex-soldiers,

Was read the first time.

Council Bill No. 130,

Introduced by Mr. Foster—

A bill for an act to amend section 9 of chapter 39 of the Political Code in relation to the compensation of sheriffs in certain cases,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 115,

A bill for an act entitled an act for the assessment and taxation of railroad companies,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 116,

A bill for an act to extirpate contagious pleuro-pneumonia, foot and mouth disease, rindespest, glanders, and farcy among live stock and for other purposes,

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public library associations,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 118,

A bill for an act amending section 237, Code of Civil Procedure,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 120,

A joint resolution providing for compensation of clerks of the Judiciary Committees of the Council and House,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 122,

Introduced by Mr. Hughes—

A bill for an act to provide for the further security of human life in buildings and halls used for public purposes,

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 123,

Introduced by Mr. Hughes—

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and repeal sections 397 and 400 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

FIRST READING OF HOUSE BILLS.

House Bill No. 41,

A bill for an act to amend sections 15 and 16 of chapter 122 of the Laws of 1881,

Was read the first time.

House Bill No. 43.

A bill for an act to amend an act entitled an act to amend an act to create the office of district attorney, etc., being chapter 45 of the Laws of 1885,

Was read the first time.

House Bill No. 72.

A bill for an act to prohibit the sale of intoxicating liquors in any building used or occupied by the Territorial officers or the Legislative Assembly of the Territory of Dakota,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 26.

A bill for an act to amend section 1, chapter 26. of the General Laws of 1879,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 66.

A bill for an act to amend and re-enact section 2042 of the Civil Code of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 74.

A bill for an act to amend subdivision 1 of section 320 of chapter 26 of the Penal Code,

Was read the second time and

Referred to the Committee on Judiciary.

The hour for the consideration of the special order, Council Bill No. 47, having arrived,

Mr. Dodge moved

That the council go into committee of the whole for its consideration,

The motion prevailed.

Mr. Sheldon of Day, in the chair.

After some time spent therein, the committee arose and through its chairman reported as follows:

MR. PRESIDENT :

I have the honor to report that the committee of the whole house has had under consideration Council Bill No. 47. A bill for an act making it the duty of county treasurers to certify to abstracts of title to real estate when requested

and providing compensation for the same, have instructed me to report without recommendation.

C. H. SHELDON,
Chairman.

Mr. Smith moved
That the report be accepted,
Which motion prevailed.

Mr. Cain moved
That the report of the committee of the whole, made the 21st inst., be adopted and that the bill be amended in accordance therewith,
Which motion prevailed.

Mr. Grigsby moved
That the bill be further amended, by the addition thereto of
SEC. 2. This act shall take effect and be in force from and after its passage and approval.

The motion prevailed.

Mr. Ericson moved
That the bill be further amended by inserting before the penalty clause the following:
And for compensation therefor he shall receive the sum of twenty-five cents for each abstract so certified.

The motion prevailed.

Council bill No. 47.

A bill for an act making it the duty of county treasurers to certify to abstract of title of real estate when requested and providing compensation for the same,

Was then read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 21; nays, 2; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Smith, Washbaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Sheldon of Hand.

Absent and not voting:

Mr. Collins.

So the bill passed, and

The question being as to its title, and being put.
Its title was agreed to.

Mr. Washabaugh moved

To amend Rule No. 23 by adding at the end of said rule the following: "Nor shall any such bill or resolution have its third reading and be put upon its final passage until at least one day after the same has been reported back to the Council by the committee to which the same had been referred."

Mr. Hughes moved

That the consideration of the motion be postponed until Monday next at 4 p. m.

Which motion prevailed.

Mr. Donovan moved

That the Council do now adjourn.

The motion prevailed and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-FIRST DAY.

BISMARCK, January 31, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented and referred to the Committee on Territorial Affairs:

DESMET, KINGSBURY COUNTY, DAK.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

As representatives of the Woman's Christian Temperance

Union of Kingsbury county, and voicing the wish of the women of our entire county, we most earnestly petition you to make adequate provision by law for the prohibition of the liquor traffic—and especially in counties where, like our own, the majority of the people are opposed to such traffic.

We respectfully represent that we know by experience in this county that the effect of the present law, permitting the sale of liquor at wholesale, practically exposes the people to the evils both of the wholesale and retail traffic in alcoholics.

MARIE W. OWEN,
President Kingsbury Co. Woman's Temperance Union,
DeSmet.

SUSIE FIFIELD,
First Vice President,
Lake Preston.

E. J. SPOONER,
Corresponding Secretary,
Lake Preston.

MARY L. CLARK,
Recording Secretary,
Drakola.

LORA G. RUTH,
Treasurer,
DeSmet.

FARGO, DAK., January 17, 1887.

Hon. H. Galloway:

DEAR SIR: At a mass meeting of farmers of Cass county, held January 15, 1887, the following resolutions were adopted:

Resolved, That the highest legal rate of interest should be 10 per cent. per annum, including commissions, bonuses, and all other charges of whatever name; and the taking of more than 10 per cent. should work a forfeiture of all interest over and above 6 per cent.

Resolved, That we do hereby endorse the inter-state commerce bill, now before Congress, and urge the speedy passage of the same.

Resolved, That we favor legislation by Congress looking to the reduction of the tariff and a more equitable distribution of the same.

Resolved, That the fees of county treasurer, sheriff, reg-

ister of deeds and other county officers be so regulated as not to exceed \$3,000 in any one year.

Resolved, That a local option law should be passed, allowing each township, in organized counties, or each unorganized county, to decide by vote whether license should be granted or not.

Resolved, That we hereby urge before Congress our just claims, entitling us to admission into the Union as a state; that in reference to population, free schools and other conditions we stand out in the full and complete statute of a state demanding admission; that by not admitting us they are violating the most sacred principles on which our government is founded.

Resolved, That a copy of these resolutions be sent to each of our members of the Legislature and to our delegate to Congress.

Attest,

PETER S. PETERSON,
Secretary.

A copy of a petition of officers and citizens of Sully county asking relief in the matter of election laws, was presented, read and referred to the Committee on Elections.

To the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Hartford, county of Minnehaha, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

E. A. OAKS, et al.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
January 27, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the power and jurisdiction of the district and circuit courts of the United States.

Which bill has been passed by the House of Representatives and request your favorable consideration of the same.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred Council Bills Nos. 92, 94 and 95, report that they have had the same under consideration, and recommend that said bill No. 92 be not passed; that said bill No. 94 be amended by inserting after the word "who" in line 8, of section 1, printed bill, the following words, viz: "is a citizen of the United States and;" that said bill No. 95 be amended by striking out the word "of" in line 3 of section I, and inserting in lieu thereof the word "in," and by striking out the words, "the office of county auditor," in line 5, of section I, and inserting in lieu thereof the words "said office," and by striking out in line 7 of said section I the word "January," and inserting in lieu thereof the word "March," and by striking out the word "of," in line 8, section I, and inserting in lieu thereof the word "in," and by striking out the word "January" in line II of said section I, and inserting in lieu thereof the word "March;" and with these amendments they recommend said bills be passed.

ALEXANDER HUGHES,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 131,

Introduced by Mr. Grigsby—

A bill for an act amending chapter 140 of the Session Laws of 1885, fixing terms of supreme court,

Was read the first time.

Council Bill No. 132,

Introduced by Mr. Dodge—

A bill for an act entitled an act for the establishment

and maintenance of free libraries and reading rooms in certain cities and towns in the Territory of Dakota,

Was read the first time.

Council Bill No. 133,

Introduced by Mr. Cain—

A bill for an act to repeal article 7 of chapter 2 of title 10 of the Civil Code of Dakota of 1877, entitled of the use of fictitious names, and of all laws amendatory thereof,

Was read the first time.

Council Bill No. 134,

Introduced by Mr. Cain—

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the commissioner of immigration,

Was read the first time.

Council Bill No. 135,

Introduced by Mr. Weiser—

A bill for an act to regulate transportation and handling of grain,

Was read the first time.

Council Bill No. 136,

Introduced by Mr. Hughes—

A bill for an act to amend articles 8 and 9 of chapter 12 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 137,

Introduced by Mr. McCumber—

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies,

Was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 65,

A bill for an act entitled an act for the encouragement of anatomical science, and for other purposes, and

Council Bill No. 71,

A bill for an act to encourage and promote the study of the science of medicine,

Were reported Saturday with majority and minority reports.

Mr. Galloway moved

That the recommendations of the minority report be adopted,

Which motion was lost.

Mr. Foster moved

That further consideration of the bills be indefinitely postponed.

The motion prevailed.

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 9; paired, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Ericson, Foster, Galloway, Harstad, Lawler, Martin, Sheldon of Hand, Smith, Washbaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Grigsby, McCumber, Mead, Sheldon of Day, Mr. President.

And Mr. Cain, who would have voted for the bill, being paired with Mr. Hughes, who would have voted against its passage.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 94,

A bill for an act to amend section 1 of chapter 17 of the Political Code in relation to notaries public,

Was read the third time.

Mr Ericson moved

That the bill be amended as recommended by the Committee on Judiciary.

Which motion prevailed.

Mr. Mead moved

That the bill be further amended by inserting after the words "United States" the words "or has declared her intention to become such."

The motion prevailed and

The question being, shall the bill pass and

The roll being called, there were ayes, 21; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge.

Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:
Messrs. Harstad, McCumber, Wells.

So the bill passed, and
The question being as to its title, and being put.
Its title was agreed to.
Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,
Was read the third time.

Mr. McCumber moved
That the bill be amended as recommended by the Committee on Judiciary,

The motion prevailed and
The question then being shall the bill pass and
The roll being called, there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:
Messrs. Cain, Collins, Wells.

So the bill passed, and
The question being as to its title, and being put
Its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 81,
A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota exercising the powers and jurisdiction of the district and circuit courts of the United States,
Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 41,
A bill for an act to amend sections 15 and 16 of chapter 122 of the Laws of 1881,

Was read the second time and
Referred to the Committee on Elections.

House Bill No. 43,

A bill for an act to amend an act entitled an act to amend an act to create the office of district attorney, it being chapter 45 of the General Laws of 1885,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 72,

A bill for an act to prohibit the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory of Dakota,

Was read the second time and
Referred to the Committee on Judiciary.

The special order, the resolution authorizing the appointment of a clerk for the committee on printing, being taken up, Mr. Smith, by unanimous consent, withdrew the resolution.

The special order, the amendment to the rules offered by Mr. Washabaugh on Saturday last, being taken up,

Mr. Hughes moved

That the amendment be amended by adding thereto the following:

Provided, That any bill or resolution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by a majority of the members of the Council.

Which motion prevailed, and
The amendment as amended was then adopted.

Mr. Hughes moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-SECOND DAY.

BISMARCK, February 1, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

The journals of Saturday and yesterday were read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred House Bill No. 29, have had the same under consideration, and beg leave to report the same back with the recommendation that it be ordered to its third reading without amendment.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

The Committee of Conference on the disagreeing votes of the two Houses, on Joint Resolution No. 5 and the Council amendment thereto, providing for the purchase of Levisse's Code with the Legislative Laws of 1885 bound therein, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows: That the Council recede from all that portion of the Council amendment after the words "to be," in the third line thereof, which reads as follows, to-wit: "To be" (at the end of the fifth line thereof), and by inserting in lieu thereof the following: "for the use of the members of the Legislature, but to remain the property of the Territory; and the secretary shall take the individual receipt of each member receiving such Code, which Code

shall be returned to the secretary of the Territory at the close of the session, unless the same shall be paid for by the member desiring to retain the same for his own use, at the price of nine dollars per volume;" and agree to the same. That the House concur in that part of Council amendment commencing after the words "per volume," on the seventeenth line thereof, which reads as follows: "And that the sum of six hundred and forty-eight dollars, or so much thereof as may be necessary to pay, is hereby appropriated out of any funds in the Territorial treasury, not otherwise appropriated, to pay for such Codes;" and agree to the same.

JOHN CAIN,
C. H. SHELDON,
T. O. BOGERT,

Managers on the part of the Council.

E. A. WILLIAMS,
J. W. BURNHAM,
FRANK R. AIKENS,

Managers on the part of the House.

Mr. Bogert in the chair.

Mr. Cain moved

That the report of the Conference Committee be adopted.

Mr. Washabaugh moved

To amend by making the motion that it be not adopted.

Mr. Cain raised the point of order, that the motion to amend was not in order, as it changed the purpose of the original motion and was contradictory thereto.

The point of order was decided as well taken by the chair, whereupon

Mr. Washabaugh appealed from the decision, and

The question being shall the chair be sustained, it was decided in the affirmative.

The question then being on the motion to adopt the report of the committee, the motion prevailed.

The president in the chair.

Mr. Hughes moved

That the rules be suspended and that the bill referred to be read a third time and put on its passage.

The motion prevailed, and
House Bill No. 5,

A joint resolution providing for the purchase of seventy-two copies of Levissee's Code,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 3; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells.

Those who voted in the negative were :

Messrs. Ericson, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Grigsby.

So the bill as amended was passed and

Its title agreed to.

Mr. Mead from the Committee on Enrolled and Engrossed Bills reported Council Bills Nos. 13, 21 and 24 as correctly engrossed and delivered to the Secretary of the Territory, who, he stated, was acting Governor, this day at 2 o'clock, p. m.

Mr. Dodge moved

That the Council adjourn,

Which motion was lost.

Mr. Wells in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 1, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No 78,

A bill for an act to establish and define the boundaries of Morton county,

Which has passed the House, and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. McCumber offered the following resolution and moved its adoption:

Be it Resolved, by the Territorial Council of the Territory of Dakota,

That the president of said Council shall appoint one clerk to act as clerk of the committee on Territorial Affairs and the committee on Agriculture, and whose services shall be subject to the call of any other committee when not actually employed in serving on the said committees, and the salary of said clerk is hereby fixed at five dollars per day.

On the question of its adoption, a call of the roll [being ordered, and

The roll being called, there were, ayes, 16; nays, 6; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Galloway, Grigsby, Harsstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Ericson, Foster, Washabaugh, Weiser.

Absent and not voting:

Messrs. Collins, Donovan.

So the resolution was adopted.

The president in the chair.

Mr. Robert Buchanan, who had been appointed as clerk to the Committee on Banking, was sworn in as an officer of the council by the president.

INTRODUCTION OF BILLS.

Mr. Sheldon introduced—

Council Bill No. 138,

A Joint Resolution to provide for the purchase of session laws.

Mr. Ericson introduced—

Council Bill No. 139.

A bill for an act entitled an act amending section 1719 of the Civil Code of 1877 of Dakota Territory.

Mr. Washabaugh moved

That the Council adjourn,

The motion prevailed, and
The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-THIRD DAY.

BISMARCK, February 2, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names, except Mr. Hughes, who was excused.

The Journal of yesterday was read and approved.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 138,

Introduced by Mr. Sheldon—

A joint resolution to provide for the purchase of Session Laws,

Was read the first time.

Council Bill No. 139,

Introduced by Mr. Ericson—

A bill for an act entitled an act amending section 1719 of the Civil Code of 1877 of Dakota Territory,

Was read the first time.

Council Bill No. 140,

Introduced by Mr. Allin—

A bill for an act to amend section 1, chapter 3, of Justices' Code, relating to reports of justices of the peace.

Was read the first time.

Council Bill No. 141,

Introduced by Mr. Dodge --

A bill for an act to provide for the relief of Frederick P. Benjamin, and to appropriate the sum of six hundred dollars therefor,

Was read the first time.

Council Bill No. 142,
Introduced by Mr. Dodge—

A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown,

Was read the first time.

Council Bill No. 143,
Introduced by Mr. Cain—

A bill for an act authorizing the adjutant general to purchase arms, equipments and gun lockers, and to provide for the use of the same at the agricultural college at Brookings,

Was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 2, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 9,

A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Which the House has this day passed with the following amendments added thereto:

SEC. 4. All acts or parts of acts intonsistent with or contrary to the provisions of this act are hereby repealed so far as they conflict with the same.

SEC. 5. This act shall be in force and take effect from and after its passage and approval, and

Your concurrence in said amendments is respectfully asked.

Also to transmit,
House Bill No. 37,

A bill for an act to amend article II, chapter 3, division 2, of the Civil Code, entitled insurance corporations,

Which the House has passed, and your concurrence is asked.

Respectfully,
W. G. EAKINS,
Chief Clerk.

SECOND READING OF COUNCIL BILLS

Council Bill No. 121,

A bill for an act for the incorporation of cities,
Was read the second time and
Referred to the Committee on Cities and Municipal Cor-
porations.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in
case of fires in buildings used for public assemblages,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 125,

A bill for an act providing for certain legal printing and
fixing the compensation therefor,

Was read the second time and

Referred to the Committee on Printing.

Council Bill No. 126.

A bill for an act legalizing certain acts of the board of
education of the city of Huron, Beadle county, Territory of
Dakota, and authorizing said board of education to issue
bonds to take up outstanding warrants issued by it, and for
other purposes,

Was read the second time and

Referred to the Committee on Cities and Municipal Cor-
porations.

Council Bill No. 127,

A bill for an act to provide for the payment of bounties
for the destruction of wild animals in the Territory of
Dakota,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 128,

A bill for an act to amend the name of the Moravian
society of tp. 139 n., r. 52 w.,

Was read the second time.

Mr. Galloway moved

That the rules be suspended and the bill be read the
third time and put on its passage this day,

Which motion prevailed.

Council Bill No. 129,

A bill for an act for the relief of indigent ex-soldiers,
sailors and marines, and the widows and orphans and de-
pendent parents of deceased ex-soldiers,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 130,

A bill for an act to amend section 9 of chapter 39 of the Political Code in relation to the compensation of sheriffs in certain cases,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 131,

A bill for an act amending chapter 140 of the Session Laws of 1885, fixing terms of supreme court,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 132,

A bill for an act entitled an act for the establishment and maintenance of free libraries and reading rooms in certain cities and towns in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 133,

A bill for an act to repeal article 7 of chapter 2 of title 10 of the Civil Code of Dakota of 1877, entitled of the use of fictitious names, and of all laws amendatory thereof,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 134,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the commissioner of immigration,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 135,

A bill for an act to regulate transportation and handling of grain,

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 136,

A bill for an act to amend articles 8 and 9 of chapter 12 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies.

Was read the second time and

Referred to the Committee on Insurance

Mr. Dodge moved

That the rules be suspended and that Council Bill No. 142 be read a second and third time and put on its passage.

The motion prevailed and

Council Bill No. 142,

A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown,

Was read the second and third time and

The question being shall the bill pass, and

The roll being called there were ayes, 22; nays, 1; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells. Mr. President.

Those who voted in the negative were :

Mr. Galloway.

Absent and not voting:

Mr. Hughes.

So the bill passed, and

The question being as to its title, and being put.

Its title was agreed to.

Council Bill No. 128,

A bill for an act to amend the name of the Moravian society of township 139, range 52,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 23; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells. Mr. President.

Absent and not voting:

Mr. Hughes.
 So the bill passed and
 The question being as to its title, and being put,
 Its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No 78,
 A bill for an act to establish and define the boundaries of
 Morton county,
 Was read the first time.
 House Bill No. 37,
 A bill for an act to amend article 11, chapter 3, division
 2 of the Civil Code entitled insurance corporations,
 Was read the first time.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency
 the Governor:

EXECUTIVE OFFICE, }
 February 2, 1887. }

To the President of the Council:

I have the honor to inform the Council that I herewith
 return

Council Bills Nos. 21 and 24,
 Because of their imperfect enrollment. For obvious
 reasons I consider that these bills should pass into the ar-
 chives of the Territory absolutely free from interlinea-
 tions or erasures.

M. L. McCORMACK,
 Acting Governor.

SECOND READING OF HOUSE BILLS.

House Bill No. 81,
 A bill for an act prescribing the time and place for hold-
 ing the district court within and for the Second judicial dis-
 trict of the Territory of Dakota, exercising the powers and
 jurisdiction of the district and circuit courts of the United
 States.

Was read the second time and
 Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 29,
 A bill for an act to amend sections 37 and 43, of chapter
 28 of the Political Code.

Was read the third time and
The question being shall the bill pass, and
The roll being called there were ayes, 21; nays, none;
not voting, 3.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan,
Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Mc-
Cumber, Mead, Sheldon of Day, Sheldon of Hand, Smith,
Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:
Messrs. Collins, Hughes, Lawler.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to,

Mr. Bogert moved
That the rules be suspended and that Council Bill No.
138 be read a second and third time and put upon its
passage.

The motion prevailed and
Council Bill No. 138,

A joint resolution to provide for the purchase of Session
Laws was read a second and third time and
The roll being called, there were ayes, 20; nays, 1; not
voting, 3.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan,
Ericson, Foster, Grigsby, Harstad, Martin, McCumber,
Mead, Sheldon of Day, Sheldon of Hand, Smith, Washa-
baugh, Weiser, Wells, Mr. President.

Those who voted in the negative were :
Mr. Galloway.

Absent and not voting:
Messrs. Collins, Hughes, Lawler.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

Mr. Bogert submitted the following report by consent of
the Council:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Council
Bill No. 96, would report that they have had the same under
consideration, and would respectfully report that they

hereby recommend a substitute bill, which is hereto attached, and which substitute they recommend do pass.

T. O. BOGERT,
Sub. Committee of Judiciary.

Mr. Bogert moved
That the substitute bill be adopted.
The motion prevailed.

Mr. Bogert moved
That the rules be suspended and that Council Bill No. 96
Substitute be read a third time and put on its passage.
The motion prevailed and
Was read the third time and
The question being shall the bill pass, and
The roll being called, there were ayes, 21; nays,
none; not voting, 3.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan,
Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Mc-
Cumber, Mead, Sheldon of Day, Sheldon of Hand, Smith,
Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:
Messrs. Collins, Hughes, Lawler.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Mr. Ed. A. Smith was appointed as clerk of the Committees on Territorial Affairs and Agriculture, and was sworn by the president.

Mr. Donovan moved
That the Council adjourn.
The motion prevailed, and
The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-FOURTH DAY.

BISMARCK, February 3, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names except Messrs. Grigsby and Martin who were excused and Mr. Collins.

The Journal of yesterday was read and approved.

The following petition was presented:

To the Council and House of Representatives:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

A study of the Statutes has revealed their utter failure to meet the demands of that newly-awakened public sentiment which requires better legal protection for womanhood and girlhood.

Therefore we, the women of Yankton, Territory of Dakota, do most earnestly appeal to you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls. We also urge that the age at which a girl can legally consent to her own ruin be raised to at least eighteen years; and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

MRS. J. M. KING,
and 277 others.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted :

MR. PRESIDENT:

Your Judiciary Committee to which was referred
House Bill No. 66 and
House Bill No. 74,

Beg leave to report as follows : Your committee would
respectfully recommend that said House Bills Nos. 66 and
74 do pass without amendment.

Respectfully submitted,

W. E. DODGE,
Chairman, pro tem.

MR. PRESIDENT :

Your Committee on Counties to whom was referred
Council Bill No. 105,

Report that they have had the same under consideration
and recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 130.

Report that they have had the same under consideration
and recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Education have duly considered
Council Bill No. 82,

Being an act providing for the payment of fines, licenses
and forfeitures into the county treasuries for school pur-
poses, and would respectfully recommend that it do not
pass.

E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your Committee on Education have duly considered
Council Bill No. 68,

Being a bill for an act for the organization of literary
institutes in the Territory of Dakota, and beg leave to re-
port the same back without recommendation.

Respectfully submitted,

E. C. ERICSON,
Chairman.

MR. PRESIDENT :

Your Judiciary Committee, to which was referred Coun-
cil Bill 46, beg leave to report as follows:

We recommend that the said bill be amended by striking out all after the enacting clause and substituting therefor the following:

SECTION 1. In case of the loss or destruction of any Territorial, county, township, city, school or other public or municipal bonds, or any coupons attached or belonging to such bonds, or representing any part of the consideration or interest thereof, the owner thereof shall be entitled to receive duplicates of such bonds or coupons so lost or destroyed, from the secretary of this Territory, or the clerk of such county, township, city, school or other public or municipal corporation, as the case may be, upon complying with the provisions of this act.

SEC. 2. Within thirty days after the loss or destruction of such bonds or coupons, the owner thereof shall cause to be published in some newspaper published at the Capital of this Territory, in case of the loss or destruction of any Territorial bonds, or in case of the loss or destruction of any bonds or coupons mentioned in section 1 of this act other than Territorial bonds, in some newspaper published in the county where such bonds are payable, or in case no newspaper is published in said county, in the newspaper published in the county nearest thereto, notice of the loss or destruction of such bonds or coupons, which notice shall contain a description of all bonds or coupons so lost or destroyed, the number, series, amounts, date, term and purpose for which the same were issued, as well as the fact that application has been made for the issuance of duplicates in place and stead thereof under the provisions of this act. Said notice shall be published for ten consecutive days in a daily or for two consecutive weeks in a weekly newspaper. Provided, however, that in case of the loss or destruction of any such bonds or coupons which has already occurred, such notice may be published within thirty days after the passage and approval of this act.

SEC. 3. Such owner, or person entitled to receive the benefit of this act, shall file with the secretary of this Territory, in case of the loss or destruction of Territorial bonds or coupons, and with one of the officers named in section 1, of this act, in case of the loss or destruction of other bonds or coupons therein mentioned proof of the due publication of the notice required in section 2, of this act together with a good and sufficient bond, in double the amount of such bonds or coupons so lost or destroyed,

executed by such owner with two or more good and sufficient sureties, each of whom shall be resident freeholders of this Territory and shall justify in double the amount of such bonds; such justification to be made in the same manner as under the chapter entitled "arrest and bail," conditioned upon the payment to the Territory of Dakota, or to such county, township, city, school, or other public or municipal corporation, as the case may be, of all damages, costs or other disbursements and expenses which may be occasioned, or arise out of the issuance of duplicate bonds or coupons under the provisions of this act, or on account of such bonds or coupons so lost or destroyed. Such owner shall also furnish to the officer to whom the application is made for the issuance of duplicates under this act, satisfactory proof that he is the owner or person entitled to receive the issuance of such duplicates.

SEC. 4. Upon complying with the foregoing provisions, the secretary of this Territory, in case of Territorial bonds or coupons, or the clerk of such county, township, city, school or other public or municipal corporation, as the case may be, shall if satisfied that the provisions of this act have been complied with and that such applicant is entitled to receive the benefit hereof, issue to him duplicate bonds or coupons for each and every one of such bonds or coupons so lost or destroyed, which shall be dated and numbered the same as those so lost or destroyed, and in all respects exact duplicates thereof, except that the said duplicate bond or coupon shall be stamped on its face "Duplicate bond (or coupon) issued in place and stead of bond (or coupon) of even date and number lost or destroyed, issued by virtue of an act of the Legislature of the Territory of Dakota, approved (insert day and month) 1887," and such officer shall thereupon make the proper entry in his books, showing the cancellation of such bonds or coupons so lost or destroyed and the issuance of duplicates thereof, which duplicates shall, from the date of their issuance, have the same value, force and effect as the bonds or coupons so lost or destroyed.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Your committee further recommend that the title of said Council Bill No. 46 be amended by striking out the whole thereof and inserting as a substitute the following:

A bill for an act to provide for the issuing of duplicate bonds or coupons lost or destroyed.

W. E. DODGE,
Chairman pro tempore.

MR. PRESIDENT:

The Committee on Territorial Affairs return herewith Council Bill No. 107,

A bill for an act to remove the political disability of Henry Muchow.

And report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Elections to which was referred Council Bill, No. 26,

Report that they have had the same under consideration and recommend that the words "on plain white news printing paper" be struck out of line four of printed bill, and with this amendment your committee recommend that it do pass.

C. D. MEAD,
Chairman.

MR. PRESIDENT :

Your Committee to whom Council Bill No. 108

Was referred, the same being an act to reimburse the trustees of the school for deaf mutes for services rendered, would respectfully report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee to whom Council Bill No. 117

Was referred, beg leave to report and recommend that all that part of section 4 between the word "by" and up to and including the words "elected by," in line 4 of section 4 of the printed bill be stricken out and in lieu thereof that the words "the secretary of such association under the seal of " be inserted and recommend that as so amended it do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

The Committee on Territorial Affairs return herewith
Council Bill No. 93,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota,

And report that they have had the same under consideration and recommend that the bill be amended by making the compensation of trustees \$5 instead of \$3 per day, in section 4. Also, by striking out the words "and money actually expended," in line 9, section 4, and inserting in lieu thereof the words "and amount due for mileage." Also, to strike out the word "or," in line 12, section 4, and insert in lieu thereof the words "and countersigned by the," and that the bill, so amended, pass to its third reading.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

The Committee on Territorial Affairs herewith return
Council Bill No. 16,

A bill for an act to provide for the support of indigent soldiers and sailors and their families,

And report that they have had the same under consideration and recommend that the bill do not pass. The committee are of the opinion there is no necessity for this law at the present time, believing that all worthy poor are now able to receive assistance from their counties, in nearly every instance outside of poor farms and almshouses.

Respectfully,

P. J. McCUMBER,
Chairman.

The House having returned
Council Bill No. 9,

A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly, with amendments, as recited in their message of yesterday,

Mr. Sheldon moved

That the Council do not concur therein.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 144,
Introduced by Mr. Foster—

A bill for an act to locate and establish a Soldiers' Home

in the Territory of Dakota and provide for the management thereof,

Was read the first time.

Council Bill No. 145,

Introduced by Mr. Allin—

A bill for an act entitled an act to amend sections 3 and 4 of chapter 5 of the Political Code,

Was read the first time.

Council Bill No. 146,

Introduced by Mr. Bogert—

A bill for an act to provide for the service of summons on incorporated companies,

Was read the first time.

Council Bill No. 147,

Introduced by Mr. Dodge—

A bill for an act to amend section 31 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 148,

Introduced by Mr. Washabaugh—

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled incorporation of towns and cities,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 139,

A bill for an act entitled an act amending section 1719 of the Civil Code of 1877 of Dakota Territory,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 140,

A bill for an act to amend section 1, chapter 3, of Justices' Code, relating to reports of justices of the peace,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 143,

A bill for an act authorizing the adjutant general to purchase arms, equipments and gun lockers, and to provide for the use of the same at the agricultural college at Brookings,

Was read the second time and

Referred to the Committee on Education.

FIRST READING OF HOUSE BILLS.

House Bill No. 78,
A bill for act to establish and define the boundaries of
Morton county,
Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 37,
A bill for an act to amend article 11, chapter 3, division
2 of the Civil Code entitled insurance corporations,
Was read the second time and
Referred to the Committee on Judiciary.

COMMITTEE OF THE WHOLE.

Mr. Dodge moved
That the Council go into session as a committee of the
whole for the consideration of
House Bills Nos. 66 and 74.

The motion prevailed and the Council went into session
as such committee.

Mr. Cain in the chair.

After some time spent therein the committee arose and
through the chairman reported as follows:

MR. PRESIDENT:

Your committee of the whole house having had under
consideration

House Bills Nos. 66 and 74

Have instructed me to report recommending that
House Bill No. 66 do pass unchanged.

JOHN CAIN,
Chairman.

Mr. Campbell moved
That the report be adopted.
Which motion prevailed.

Mr. Dodge moved
That the rules be suspended and that House Bill No. 66
be read a third time and put on its passage.

Which motion prevailed, and
House Bill No. 66,

A bill for an act to amend and re-enact section 2042 of
the Civil Code of Dakota,

Was then read the third time and
The question being shall the bill pass, and

The roll being called there were ayes, 20; nays, none not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Lawler, Martin.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

Mr. Bogert moved

That the rules be suspended and that House Bill No. 74 be read a third time and put upon its final passage,

The motion prevailed and

House Bill No. 74,

A bill for an act to amend subdivision 1 of section 320 of chapter 26 of the Penal Code,

Was read the third time.

Mr. McCumber moved

That the word "fourteen" occurring therein be stricken out and the word "twelve" be inserted in its place, and

The ayes and nays being called for, and

The roll being called, there were ayes, 3; nays, 18 not voting, 3.

Those who voted in the affirmative were:

Messrs. Foster, Harstad, McCumber.

Those who voted in the negative were :

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Galloway, Hughes, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Martin.

So the motion was lost.

Mr. Ericson moved

That the word "fourteen" be stricken out and the word "sixteen" be inserted in lieu thereof.

Mr. Smith moved

That the amendment be amended by striking out the word "sixteen" and inserting the word "eighteen"

Which motion was lost.

The question recurring on the motion of Mr. Ericson
and

The ayes and nays being called for and

The roll being called there were ayes, 11; nays, 10;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Ericson, Galloway, Lawler,
Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser,
Wells.

Those who voted in the negative were:

Allin, Campbell, Dodge, Donovan, Foster, Harstad,
Hughes, McCumber, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Martin.

So the motion to amend prevailed.

The question being shall the bill, as amended, pass and

The roll being called, there were ayes, 12; nays, 9; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Ericson, Galloway, Lawler,
Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser,
Wells.

Those who voted in the negative were:

Messrs. Campbell, Dodge, Donovan, Foster, Harstad,
Hughes, McCumber, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Martin.

So the bill passed.

Mr. Bogert moved

That the vote by which House Bill No. 74 was passed be
reconsidered.

The motion prevailed.

Mr. Hughes moved

That the word "sixteen" in the bill be stricken out and
the word "fourteen" inserted in lieu thereof, and

The ayes and nays being called there were ayes, 14; nays,
7; not voting, 3.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Dodge, Donovan, Foster, Har-
stad, Hughes, Lawler, McCumber, Sheldon of Hand, Washa-
baugh, Weiser, Wells, Mr. President.

Those who voted in the negative were :

Messrs. Allin, Cain, Ericson, Galloway, Mead, Sheldon of Day, Smith.

Absent and not voting:

Messrs. Collins, Grigsby, Martin.

So the motion to amend prevailed, and

The question then being **shall the bill pass, and**

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Collins, Grigsby, Martin.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 3, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 6,

A bill for an act to appropriate for the support of fire departments of each city, town, village, or other municipal corporation, a part of the tax paid by fire insurance companies upon premiums received by them in any such town, village or city,

Also,

House Bill No. 63,

A memorial to congress for the improvement of the National park.

And,

House Bill No. 94.

A bill for an act to repeal section 427 of chapter 37, of the Penal Code,

Which the House has passed, and your favorable consideration thereof is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Donovan moved,
That the Council go into committee of the whole for the consideration of council bill No. 68.

The motion prevailed and,

The Council went into session as such committee.

Mr. Smith in the chair.

After some time spent therein the committee arose and,

The President in the chair reported as follows:

MR. PRESIDENT:

The committee of the whole house having had under consideration

Council Bill No. 68,

A bill for an act for the organization of literary institutes in the Territory of Dakota,

Have instructed me to report recommending that the bill be referred to the Committee on Appropriations:

E. G. SMITH,
Chairman.

Mr. Donovan moved

That the report of the committee be adopted.

The motion prevailed,

And the bill was referred to the Committee on Appropriations as recommended.

Mr. Smith moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-FIFTH DAY.

BISMARCK, February 4, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair, after

Prayer by the chaplain,

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 4, 1887. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 5,

Joint resolution providing for certain public printing and making appropriations for the same.

Also,

Council Bill No. 41,

A bill for an act to amend section 384 of chapter 3 of the Civil Code.

Also,

Council Bill No. 51,

A bill for an act to amend section 1 of chapter 117 of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1885.

Also,

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served during the war of the rebellion.

Also,

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter I2 of the Code of Civil Procedure, relating to trials and judgments in civil actions.

Also,

Council Bill No. 81,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same.

Which have passed the House of Representatives without change.

Very respectfully,

W. G. EAKINS,

Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
BISMARCK, February 3, 1887. }

To the President of the Council:

I have the honor to inform the Council that I herewith return Council Bill No. 13, entitled "An act legalizing a certain election held in the city of Sioux Falls, and for other purposes," without my approval. After a very careful consideration of the bill, I am of the opinion that such bonds have not been "contracted to be issued" as contemplated in section 4 of the Act of Congress prohibiting special legislation; if they had been, I see no valid reason why the amount to be paid is not specifically stated. The bill provides that the common council of Sioux Falls may pay whatever bonus they may see fit to the Burlington, Cedar Rapids, Iowa Falls & Northern Railroad Company. This delegation of extraordinary power to the common council I do not consider consistent with the best interests of the people. These bonds, when issued, become the direct obligation of the people of the municipality, and the officers of the city who act in the premises, empowered by this act to an extent that invites improbity, will not be called upon to bear the burden of

the debt thus contracted. I am of the opinion that the complete details of a matter of this kind should be in the hands of the people, who shall be responsible for the obligation thus assumed. The amount to be paid, the manner of payment, the denomination of the bonds, the rate of interest, and, in fact, every condition of such a contract should be familiar to the people and the subject of their sanction, and not left to the discretion of any limited number of citizens, with an invitation extended to reap for themselves temporary benefits, while the majority of the tax-payers shoulder the burden and become responsible for the discharge of the debt.

M. L. McCORMACK,
Acting Governor.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred

Council Bill No. 122,

A bill for an act to provide for the further security of human life in buildings and halls used for public purposes,

Have had the same under consideration and recommend that the bill do pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

The Judiciary Committee recommend that

Council bills No. 106, 133 and

House Bills No. 26 and 37 be not passed and that

House Bill No. 13 be passed.

Council Bill No. 140 is reported back without recommendation.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred

Council Bill No. 120,

Report that they have had the same under consideration and recommend that said bill be amended so as to read as follows:

JOINT RESOLUTION,

Providing for the compensation of the enrolling and engrossing clerks and the clerks of the Committees on Judiciary.

Be it Resolved By the Council, the House of Representatives concurring:

That the compensation of the enrolling and engrossing clerks and the clerks of the Committees on Judiciary of the Council and House of Representatives: be and the same is hereby fixed at six dollars a day during the present session of the Legislative Assembly.

Your committee further recommend that said bill as amended be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your committee to whom
Council Bill No. 126,

Was referred, would respectfully report and recommend that said bill be amended by adding to section 2 thereof the following:

"The board of education shall provide a bond register, in which shall be kept a record of the number, amount, date, place of payment, rate of interest and name of payee of each bond issued under this act; the warrants redeemed under the provisions of this act shall be cancelled and destroyed in the presence of the board of education, at the session of said board next ensuing after the redemption of said warrants,"

And that when so amended it do pass.

J. S. WEISER,
Chairman.

Mr. Grigsby moved

That the Council proceed to consider the message of his Excellency, the Governor, returning the act legalizing a certain election held in the city of Sioux Falls and for other purposes.

The motion prevailed and

The question being shall the bill pass, the objection of his Excellency, the Governor, to the contrary notwithstanding, and

The roll being called, there were ayes, 20; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Grigsby, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Galloway, Harstad, Lawler.

So the bill passed.

EXECUTIVE COMMUNICATIONS.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
February 4, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 21, entitled

An act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota.

Also,

Council Bill No. 24 entitled

An act to amend section 3 of chapter 94 of the general laws passed in the year 1883.

M. L. McCORMACK,
Acting Governor.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 149,

Introduced by Mr. Ericson—

A bill for an act providing for the mode of calling in public bonds for payment and fixing the time when interest thereon shall cease,

Was read the first time.

Council Bill No. 150,

Introduced by Mr. Foster—

A bill for an act to amend sections 2, 3, 4, 5, 8 and 9, of chapter 34, of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Was read the first time.

Council Bill No. 151,

Introduced by Mr. Campbell—

A bill for an act to amend section 2 of chapter 28 of the Political Code, exempting building and loan associations and the stock therein from taxation,

Was read the first time.

Council Bill No. 152,

Introduced by Mr. Campbell—

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly, relating to building and loan associations,

Was read the first time.

Council Bill No. 153,

Introduced by Mr. Smith—

A bill for an act to regulate the practice of pharmacy and the sale of poisons and to prevent the adulteration of medicine in the Territory of Dakota,

Was read the first time.

Council Bill No. 154,

Introduced by Mr. Smith—

A bill to declare and protect the legal and personal identity of married women,

Was read the first time.

Council Bill No. 155,

Introduced by Mr. Smith—

A bill entitled an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights,

Was read the first time.

Council Bill No. 156,

Introduced by Mr. Smith—

A bill for an act entitled an act to require teachers of public schools to keep a record of the visits of county superintendents,

Was read the first time.

Council Bill No. 157,

Introduced by Mr. McCumber—

A bill for an act to amend subdivision 7 of section 320 in chapter 26 of the Penal Code of the Territory of Dakota,

Was read the first time.

Council Bill No. 158,

Introduced by Mr. McCumber—

A bill for an act to publish the General Laws of the Seventeenth session of the Legislative Assembly in the news-

papers of the Territory and making an appropriation to pay for the same,

Was read the first time.

Council Bill No. 159,

Introduced by Mr. Martin—

A bill for an act to provide funds to pay the deficiency caused by the erection, heating and furnishing of the Normal school building and dormitory at Madison, Dakota,

Was read the first time.

SECOND READING OF COUNCIL BILLS

Council Bill No. 141,

A bill for an act to provide for the relief of Frederick P. Benjamin, and to appropriate the sum of six hundred dollars therefor,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 144,

A bill for an act to locate and establish a soldiers' home in the Territory of Dakota, and provide for the management thereof,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 145,

A bill for an act entitled an act to amend sections 3 and 4 of chapter 5 of the Political Code,

Was read the second time and

Referred to the Committee on Elections.

Council Bill No. 146,

A bill for an act to provide for the service of summons on incorporated companies,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 147,

A bill for an act to amend section 31 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled "Incorporation of Towns and Cities,"

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 16,

A bill for an act to provide for the support of indigent soldiers and sailors and their families,

Was read the third time.

Mr. McCumber moved

That the bill be amended by the insertion of an enacting clause,

Which motion prevailed.

Mr. Sheldon of Day moved

That the bill be amended by inserting after the word "sailor" where it occurs in the bill the words "or marines."

The motion prevailed.

Mr. McCumber moved

That the words "where they can be relieved out of the poor house," at the end of section 1, be stricken out.

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes, 18; nays, 5; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Foster, Galloway, Washabaugh, Wells.

Absent and not voting:

Mr. Bogert.

So the bill passed.

Mr. Cain moved

That the title be amended by inserting after the word "sailors" the words "and marines"

Which motion prevailed and

The title as amended was agreed to.

Council Bill No. 93,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of

Dakota, and to define their terms of office, duties and compensation,

Was read the third time.

Mr. Wells moved

On the question shall the bill be amended as recommended by the report of the Committee on Territorial Affairs, and a division of the question being required, the amendments recommended were submitted separately:

On the question of making the compensation of trustees five dollars instead of three dollars the amendment was lost.

On the question of striking out the words "and money actually expended" in line 9, section 4, and inserting in lieu thereof the words "and amount due for mileage," the amendment was lost.

On the motion to strike out the word "or" in line 12, section 4, and inserting in lieu thereof the words "and countersigned by the."

The motion prevailed and the bill was amended accordingly.

Mr. Dodge moved

That the bill be committed to the Committee on Charitable and Penal Institutions.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 4, 1887. }

MR. SPEAKER:

I have the honor to return herewith

Substitute for House Bill No. 17,

A bill for an act to amend section 328 of the Code of Civil Procedure,

Also,

Joint Resolution No. 117,

Providing for the printing of Long's Legislative Hand Book,

Also,

House Bill 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to pay outstanding indebtedness,

Also,

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the general laws of 1883,

All of which have passed the House and your favorable consideration thereof is requested,

Respectfully,

W. G. EAKINS,
Chief Clerk.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public library associations,

Was read the third time.

Mr. Smith moved

That the bill be amended as recommended by the Committee on Cities and Municipal Corporations.

The motion prevailed.

Mr. Ericson moved

That the bill be recommitted to the Committee on Cities and Municipal Corporations.

The motion prevailed.

Council Bill No. 108,

A bill for an act to reimburse the trustees of the school for deaf mutes for services rendered,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were, ayes, 4; nays, 18; not voting, 2.

Those who voted in the affirmative were:

Messrs. Campbell, Dodge, Foster, Grigsby.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Collins, Donovan, Ericson, Galloway, Harstad, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Hughes, Lawler.

So the bill was lost.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills report Council Bills Nos. 21 and 24,

Properly enrolled, and that the same were this 4th day of February, 1887, at 3 p. m., delivered to his Excellency, Acting Governor McCormack.

C. D. MEAD,
Chairman.

Council Bill, No. 26,

A bill for an act providing how tickets should be prepared for elections,

Was read the third time.

Mr. Wells moved

That the bill be amended as recommended by the Committee on Elections.

The motion prevailed.

Mr. Hughes moved

That the bill be postponed until to-morrow.

The motion prevailed.

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow.

Was read the third time.

Mr. McCumber moved

That the bill be recommitted to the Committee on Territorial Affairs,

Which motion prevailed.

Council Bill No. 130,

A bill for an act to amend section 9 of chapter 39 of the Political Code in relation to the compensation of sheriffs in certain cases,

Was read the third time.

Mr. Ericson moved

That the bill be amended by adding to section 1 the following:

Provided, That no additional mileage shall be allowed a sheriff for summoning talesmen over and above that now fixed by law.

The motion prevailed.

Mr. Sheldon of Day, moved

That further consideration of the bill be postponed one week.

The motion was lost.

Mr. McCumber moved

That the bill be amended by striking out all of the words in section 1 thereof, after the word "county" in the fourth line of said section.

Mr. Smith moved

As a substitute that the word "ten" in section 1 be stricken out, and the word "five" be inserted in lieu thereof.

Mr. Wells moved

That the Council do now adjourn.

The motion prevailed and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-SIXTH DAY.

BISMARCK, February 5, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Mr. Grigsby, who was excused.

The following petitions were presented and

Referred to the Committee on Territorial Affairs.

To the Council and House of Representatives of the Territory of Dakota:

GENTLEMEN:

Your petitioners, residents of Dakota, respectfully pray your honorable body to pass a bill granting to women the right of suffrage.

S. R. PRICE, et. al.

To the Honorable, the Legislature of Dakota, in session at Bismarck;

The increasing and alarming frequency of assaults upon

women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

The study of the revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore we, the men and women of Pierre county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

• We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

G. W. FLOWERS, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Pierre, County of Hughes, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

WM. F. ROSE, Pastor Congregational Church, and others.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Counties to which was referred Council Bill No. 74, being

A bill for an act creating the office of county auditor and defining the duties thereof,

Has duly considered the same and would respectfully recommend the following amendments thereto, viz:

That section No. 1 of said bill be stricken out and the following inserted in lieu thereof:

SECTION 1. Whenever two hundred legal voters of any organized county within the Territory of Dakota shall peti-

tion the board of county commissioners of such county at any regular meeting thereof for the appointment of a county auditor, it shall be the duty of such board at its next ensuing regular meeting thereof to appoint a legally qualified citizen of such county as county auditor who shall hold such office and discharge the duties thereof until the first Monday of January after the first general election next succeeding the time of his appointment and until his successor is elected and qualified; provided, that no such appointment shall be made in any county if a majority of the legal voters thereof as evidenced by the vote cast at the last preceding general election, remonstrate against such appointment at any time prior to final action thereon.

That section 14 of the printed bill be amended by striking out from lines 24, 25 and 26 the following "and does not exceed six million dollars nor more than twenty-five hundred dollars where such valuation exceeds eight million dollars."

And your committee would further recommend that section 15 of said bill be stricken out and that sections 16 and 17 be renumbered so as to read 15 and 16 respectively,

And that the bill as so amended do pass.

Respectfully submitted,

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Warehouses and Grain Grading to which was referred

Council Bill No. 2,

A bill for an act to regulate grain warehouses, and the inspection, weighing and handling of grain; and defining the duties of the railroad and warehouse commission in relation thereto,

Report that they have had the same under consideration and unanimously recommend that the said bill be amended as follows:

Strike out all of section 1 and substitute therefor:

SECTION 1. That the duties imposed by the provisions of this act and the powers conferred herein shall devolve upon the board of railroad commissioners created by chapter 126 of the General Laws of the Sixteenth Legislative Assembly.

That section 2 of the bill be amended by the insertion of

the words "and seeds" after the word "grain" where it occurs the second time therein.

That section 3 be amended by striking out all after the word "established," in the first line, to and including the word "territory," and insert in lieu thereof the words "shall be printed and published by said railroad commissioners in such manner as to give the greatest publicity thereto.

That section 4 be amended by striking out the words "handled or" therein.

That section 5 be amended by striking out the word "three" therein and inserting in lieu thereof the word "for."

That section 9 be amended by striking out the words "by him" therein.

That section 12 be amended by striking out the words "published in some daily newspaper in each judicial district each day for the space of one week," and insert in lieu thereof the words "printed and published in the manner required in section 3 of this act."

That section 18 be amended by striking out the word "county" therein and inserting in lieu thereof the word "district."

That section 20 be amended by inserting after the word "grades" the words "and rates for the storage and handling of grains and seeds," and wherever the words "railroad and warehouse commission" or the words "warehouse commission" occur in this bill the same shall be changed to read "railroad commissioners" and wherever the word "commission" occurs in this act it shall be changed to "commissioners."

Amend section 22 by striking out the word "May" therein and inserting the word "July" in lieu thereof.

And to amend the title so that it shall read: "A bill for an act to regulate grain warehouses and the weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto."

And as so amended recommend that the bill do pass.

C. H. SHELDON,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 160,
Introduced by Mr. McCumber—

A bill for an act providing the mode of appeals to the supreme court of the Territory of Dakota,

Was read the first time.

Council Bill No. 161,

Introduced by Mr. Collins—

A bill for an act to amend section 93 of the Justice Code as revised in 1877,

Was read the first time.

Council Bill No. 162,

Introduced by Mr. Collins—

A bill for an act to amend section 2 of article 1 of chapter 1 of the Justice Code revision of 1877,

Was read the first time.

Council Bill No. 163,

Introduced by Mr. Bogert—

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 149,

A bill for an act providing for the mode of calling in public bonds for payment and fixing the time when interest thereon shall cease,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 150,

A bill for an act to amend sections 2, 3, 4, 5, 8 and 9, of chapter 34, of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 151,

A bill for an act to amend section 2 of chapter 28 of the Political Code, exempting building and loan associations and the stock therein from taxation,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 152,

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly, relating to building and loan associations,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 154,

A bill to declare and protect the legal and personal
identity of married women,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 155,

A bill entitled an act to place the inmates of insane
asylums under the protection of the laws by securing to
them their postal rights,

Was read the second time and
Referred to the Committee on Penal and Charitable In-
stitutions.

Council Bill No. 156,

A bill for an act entitled an act to require teachers of
public schools to keep a record of the visits of county
superintendents,

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 157,

A bill for an act to amend subdivision 7 of section 320
in chapter 26 of the Penal Code of the Territory of Da-
kota,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 158,

A bill for an act to publish the General Laws of the Sev-
enteenth session of the Legislative Assembly in the news-
papers of the Territory and making an appropriation to
pay for the same,

Was read the second time, and
Referred to the Committee on Appropriations.

Council Bill No. 159,

A bill for an act to provide funds to pay the deficiency
caused by the erection, heating and furnishing of the
Normal school building and dormitory at Madison, Dakota,

Was read the second time and
Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 130.

A bill for an act to amend section 9 of chapter 39 of the

Political Code in relation to the compensation of sheriffs in certain cases,

Under consideration at the time of adjournment yesterday was resumed, and

The question being on the amendment offered by Mr. Smith striking out the word "ten" and inserting "five" in lieu thereof—

The amendment was adopted.

The amendment offered by Mr. McCumber to strike out the words in section 1, after the word "county" was then lost.

The question then being shall the bill pass and

The roll being called there were ayes, 19; nays, 3; not voting, 2.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Galloway, Sheldon of Day.

Absent and not voting:

Messrs. Grigsby and Harstad.

So the bill passed, and

The question being as to its title.

Mr. Foster moved

That its title be amended so as to read

A bill for an act to fix the compensation of sheriffs in certain cases,

Which motion was agreed to.

Council Bill No. 120,

A joint resolution providing for the compensation of clerks of the Judiciary Committees of the Council and House,

Was read the third time and

The question being shall the bill be amended as recommended by the Committee on Judiciary,

Mr. Washabaugh moved

That the report of that committee be amended by striking out the word "six" therein and inserting "five" in lieu thereof.

The motion prevailed, and
The bill was then amended accordingly, and
The question being shall the bill pass and
The roll being called there were ayes, 23; nays,
none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Foster, Galloway, Harstad, Hughes,
Lawler, Martin, McCumber, Mead, Sheldon of Day, Shel-
don of Hand, Smith, Washabaugh, Weiser, Wells, Mr.
President.

Absent and not voting, Mr Grigsby.

So the bill passed, and
The question being as to its title,
Its title as amended by the committee was agreed to.

Council Bill No. 46,

A bill for an act to provide for the issuing of duplicate
coupons for those lost in transit by registered letter be-
tween the cities of Tidioute, state of Pennsylvania, and
Bismarck, Territory of Dakota, and to provide for the pay-
ment of the same,

Was read the third time.

Mr. Ericson moved

That the bill be amended as recommended in the report
of the Committee on Judiciary.

Which motion prevailed.

Mr. Hughes moved

That the bill thus amended be further amended by strik-
ing out the word "secretary" therein, and insert in lieu
thereof the word "treasurer."

The motion prevailed.

Mr. Hughes moved

That the bill be amended by striking out the words "are
payable," and insert in lieu thereof the words "were is-
sued."

The motion prevailed.

Mr. Ericson moved

That the words "to be approved by such officer" be in-
serted in section 3, after the word "bond," in line eight
thereof.

The motion prevailed.

The question then being shall the bill and

The roll being called there were ayes, 23; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Grigsby,

So the bill passed.

Mr. Dodge moved

That the title be amended by inserting the words "duplicates of" therein in lieu of the word "duplicate,"

The motion prevailed and

The title as thus amended was agreed to.

Council Bill No. 82,

A bill for an act providing for the payment of fines, forfeitures, penalties and moneys paid for licenses to sell intoxicating liquors, into the treasury of the county and for the distribution thereof to the school corporations of the county,

Was read the third time.

Mr. Hughes moved

That the bill be amended by inserting after the word "and" in line nine the following: "And 50 per cent. of all moneys received by the county as proceeds of the sale of estrays, all moneys paid as an equivalent for exemption from military duty, and all moneys paid into the county treasury for licenses to sell intoxicating liquors," and by adding at the end of section 1 the following: "And the balance shall be paid into the county general fund."

The motion was lost.

The question then being shall the bill pass and

The roll being called, there were ayes, 7; nays, 14; not voting, 3.

Those who voted in the affirmative were:

Messrs. Campbell, Foster, Hughes, Martin, Sheldon of Day, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Collins, Ericson, Galloway, Harstad, Lawler, McCumber, Mead, Smith, Washabaugh, Wells, Mr. President.

Messrs. Donovan and Dodge paired.

Absent and not voting:

Mr. Grigsby.

So the bill was lost.

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled Township Government,

Was read the third time,

Mr. McCumber in the chair.

The question being shall the bill pass, and

The roll being called there were ayes, 18; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Grigsby, Lawler.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

The president in the chair.

MESSAGES FROM THE HOUSE.

The following message weres received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 5, 1886. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 7,

A bill for an act to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883,

House Bill No. 51,

A bill for an act to repeal section 680, to amend section 681 and to repeal section 682 of the Code of Civil Procedure, and

House Bill No. 68,

A bill for an act to prevent the wearing of Grand Army of the Republic badges unlawfully.

Which the house has passed, and your favorable consideration thereof is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 5, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 95,

A bill for an act to extend the term of office of county
auditors elected at the annual election of 1885,

Which the House has this day passed without change.

Respectfully,

W. G. EAKINS,

Chief Clerk.

The president appointed as members on the part of the
Council of the joint committee provided for by Council Bill
No. 97 to confer with the authorities of Montana in rela-
tion to measures for the prevention and suppression of
contagious diseases among live stock, Messrs. Hughes and
Washabaugh.

Mr. Smith moved

That the special order for this day be postponed until
Monday next, at 4 o'clock,

The motion prevailed.

Mr. McCumber offered the following resolution, and
moved its adoption:

*Be it Resolved, by the Territorial Council of the Territory
of Dakota,*

That the auditor be and he is hereby instructed to furnish
and put in place such chairs and seats in the Council
Chamber as may be necessary or proper for the conven-
ience of officers or visitors.

The resolution was adopted.

Mr. Hughes moved

That the rules be suspended and that the Council take up
for consideration House bills awaiting action.

The motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter
44 of the General Laws of 1883,

Was read the first time.

House Bill No. 6,

A bill for an act to appropriate for the support of fire de-
partments of each city, town, village or other municipal

corporation, part of the tax paid by fire insurance companies upon premiums received by them in any such town, city or village,

Was read the first time.

House Bill No. 17,

A bill for an act entitled an act to amend section 328 of the Code of Civil Procedure,

Was read the first time

House Bill No. 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the interest and principal thereof,

Was read the first time.

House Bill No. 63,

A memorial to Congress for the improvement of the Yellowstone National Park,

Was read the first time.

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code,

Was read the first time.

House Bill No. 117,

A joint resolution providing for the printing of Long's Legislative Hand Books,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No, 78,

A bill for an act entitled an act to establish and define the boundaries of Morton county,

Was read the second time and

Referred to the Committee on Counties.

Mr. Hughes moved

That the rules be suspended and that the House bills read to-day be read the second time and referred to the appropriate committees.

The motion prevailed, and

House Bill No. 6,

A bill for an act to appropriate for the support of fire departments of each city, town, village, or other municipal corporation, a part of the tax paid by fire insurance com-

panies upon premiums received by them in any such town, village or city,

Was read the second time and
Referred to the Committee on Insurance.

House Bill No. 17,

A bill for an act entitled an act to amend section 328 of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the interest and principal thereof,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 56,

A bill for an act to amend section 46 and 66 of chapter 44 of the General Laws of 1883,

Was read the second time and
Referred to the Committee on Education.

House Bill No. 63,

A memorial to congress for the improvement of the Yellowstone National Park,

Was read the second time, and
Referred to the Committee on Federal Relations.

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 117,

A joint resolution providing for the printing of Long's Legislative Hand Books

Was read the second time and
Referred to the Committee on Appropriations.

Mr. Washabaugh moved
That the Council adjourn.

The motion prevailed and
The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-EIGHTH DAY.

BISMARCK, February 7, 1887.

The Council met pursuant to adjournment and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called, and the members all responded to their names.

The Journal of Saturday was read and approved.

The following petitions were presented:

To the Honorable, the House of Representatives of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Rapid City, county of Pennington, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. M. LEEDY, et al

To the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women and the frightful indignities to which even little girls are subject have become the shame of our boasted civilization.

The study of the Revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Pennington

county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

J. M. LEEDY, et al.

REPORTS OF STANDING COMMITTEES.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred Council Bill No. 111, report the same back with the following amendments:

To amend section two by inserting in line thirty, page one of the written bill after the words "town supervisors," the words, "county commissioners, city or village council;" also to amend same section by inserting in line four, page two of the written bill after the words "and pay therefor," the following words: "out of the general fund of such county, city or other municipality" and by striking out all of section two after the word "labor" in line six, page two of the written bill and inserting in lieu thereof the following: "And it shall be the duty of the township clerk or county auditor, or the clerk or auditor of such other municipality to keep a just and true account of all moneys paid out by the township or county for the destruction of such noxious weeds, the description of the land on which such labor was performed and the owner thereof, and to charge the same to such owner; and in case any sum so charged is not paid to such township, county or other municipality, prior to the annual meeting of the township supervisors, county commissioners, common council, or the governing board of such municipality for levying taxes the same shall be a lien upon the land on which the labor was performed, to the amount due for such labor, and shall be collected in the same manner as taxes are collected against real estate, provided that in all cases when the land on which such labor is done is not taxable, it shall be the duty of the county attorney if the sum due for the destruction of such weeds, is not paid prior to such annual meeting to collect the same by action or otherwise, against the party liable therefor.

Also, to strike out of said bill, the whole of section three and make sections 4, 5 and 6, read sections 3, 4 and 5 respectively.

Also, to amend section 4 by inserting in line 13, page 3 of the written bill after the word "proper," the word "county" and by striking out of the same line the words "town or village" in lieu thereof the words "township or other municipalities."

Also, to amend section 6 by striking out in line 24, page 3 of the written bill the word "trustees" and inserting instead the word "supervisors."

Also, to amend said bill by adding the following sections:

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force on and after its passage and approval.

With the above amendments the committee recommend that the bill do pass.

ROGER ALLIN,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 164,
Introduced by Mr. Wells—

A bill to protect large game and quail in Dakota Territory,

Was read the first time.

Council Bill No. 165,
Introduced by Mr. J. S. Weiser—

Memorial to Congress asking for the appointment of a commission to select school lands,

Was read the first time.

Council Bill No. 166,
Introduced by Mr. Hughes—

A bill for an act to amend paragraph 1 of section 229 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 167,
Introduced by Mr. Hughes—

A bill for an act to amend section 271 and section 277 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 168,

Introduced by Mr. Collins—

A bill for an act for the creation of a board of railroad and warehouse commissioners, and for the regulation of common carriers,

Was read the first time.

SECOND READING OF COUNCIL BILLS

Council Bill No. 160,

A bill for an act providing the mode of appeals to the supreme court of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 161,

A bill for an act to amend section 93 of the Justice Code as revised in 1877,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 162,

A bill for an act to amend section 2 of article 1 of chapter 1 of the Justice Code Revision of 1877,

Was read the second time and

Referred to the Committee on Judiciary.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
BISMARCK, February 7, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills:

Council Bill 52, entitled

An act concerning the burial of soldiers, sailors or marines who served in the Union army during the war of the Rebellion.

Council Bill No. 81, entitled

An act to amend an act entitled an act to provide for the organization of civil townships and the government of the same.

Council Bill No. 41, entitled

An act to amend section 384 of chapter 3 of the Civil Code.

Council Bill No. 5, entitled

Joint resolution providing for certain public printing and making appropriation for the same.

Council Bill No. 51, entitled

An act to amend section 1 of chapter 117 of the Laws passed at the Sixteenth Session of the Legislative Assembly, approved March 13, 1885.

Council Bill No. 76, entitled

An act to amend sections 266 and 268 of chapter 12 of the Code of Civil Procedure relating to trials and judgments in civil actions.

M. L. McCORMACK,
Acting Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 26,

A bill for an act providing how tickets shall be printed for elections,

Was read the third time.

Mr. Bogert moved

That the bill be re-committed to the Committee on Elections.

The motion prevailed.

Council Bill No. 133,

A bill for an act to repeal article 7 of chapter 2 of title 10 of the Civil Code of Dakota of 1877, entitled "of the use of fictitious names," and all laws amendatory thereof,

Was read the third time.

Mr. Cain moved

That further consideration of the bill be indefinitely postponed.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Substitute for Joint Resolution No. 142,

Providing for the appointment of a joint committee to inspect the insane asylums at Jamestown and Yankton,

Which the House has passed, and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Council Bill No. 126,

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Territory of Dakota, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it, and for other purposes,

Was read a third time and

The question being shall the report of the Committee on Cities and Municipal Corporations be adopted, the question was put and decided in the affirmative and the bill was amended accordingly.

The question then being shall the bill pass and

The roll being called, there were ayes, 22; nays, 1; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Mr. Collins.

So the bill passed and

And the question being as to its title and being put

Its title was agreed to.

Council Bill No. 106,

A bill for an act to exempt the proceeds of life insurance from execution,

Was read the third time.

Mr. Grigsby moved—

That further consideration of the bill be indefinitely postponed.

The motion was lost.

The question being shall the bill pass and,

The roll being called, there were ayes, 4; nays, 19; not voting, 1.

Those who voted in the affirmative were:

Messrs. Foster, McCumber, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Mr. Collins.

So the bill was lost.

Council Bill No. 122,

A bill for an act to provide for the further security of human life in buildings and halls used for public purposes,

Was read the third time.

Mr. Hughes moved

That the words "on or before," in section 2, be stricken out.

The motion prevailed.

Mr. Foster moved

That the bill be recommitted to the Committee on Public Health.

The motion prevailed.

Council Bill No. 140,

A bill for an act to amend section 1, chapter 3 of the Justices' Code, relating to reports of justices of the peace,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Donovan, Galloway, Grigsby, Harstad, Lawler, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells.

Those who voted in the negative were :

Messrs. Bogert, Campbell, Collins, Dodge, Ericson, Foster, Hughes, Martin, McCumber, Mead, Washabaugh, Mr. President.

So the bill was lost.

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the territory of Dakota, the special order for this time, was taken up.

Mr. Ericson moved

That the bill be recommitted to the Committee on Public Health, with instructions that it be considered in connection with Council Bill No. 153.

The motion prevailed.

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad and warehouse commission in relation thereto,

Was read the third time.

Mr. Dodge moved

That further consideration of the bill be postponed until Thursday next, at 3 o'clock.

The motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Joint Resolution No. 157,

To pay for chairs for use of the ladies visiting the capitol,
Which has been passed by the House and your favorable
consideration of the same is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 7, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House
has passed a resolution requesting the secretary of the Ter-
ritory to have printed for the use of the members of the
Council and House eight hundred extra copies of Council
Bill No. 163, relating to schools.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed bills report

Council Bills Nos. 52, 41, 76, 5, 51 and 81

As properly enrolled, and that the same were delivered to his Excellency the acting Governor February 5th, 1887, at 5 p. m.

C. D. MEAD,
Chairman.

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

Was read the third time.

Mr. Ericson moved

That the bill be amended as recommended by the Committee on Counties.

The motion prevailed.

Mr. Ericson moved

That the bill be further amended by striking out all after the words "in all counties where" to the word "provided," in section 14.

The motion prevailed.

Mr. Cain moved

That the bill be so amended that it should require in section 1 a majority of all the voters to sign the petition therein referred to in order to authorize the county commissioners to appoint a county auditor.

Mr. Donovan moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood Adjourned.

T. A. KINGSBURY,
Chief Clerk.

TWENTY-NINTH DAY.

BISMARCK, February 8, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

The following petitions were presented and referred to the Committee on Appropriations:

WESSINGTON SPRINGS, DAK., Feb. 2, 1887.

To the Council and House of Representatives of the Territory of Dakota:

At a regular meeting of E. O. C. Ord Post, No. 29, department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a soldiers' and sailors' home in the Territory of Dakota; and we most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

R. H. CHASE,
Commander.

Attest:

C. W. HILL, Adjutant, et al.

The following petition was presented and referred to the Committee on Territorial Affairs:

To the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women and the frightful indignities to which even little

girls are subject have become the shame of our boasted civilization.

The study of the Revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Union county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

Alice Rust, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Elk Point, county of Union, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

F. M. Rust, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fire in buildings used for public assemblages,

Report that they have had the same under consideration and recommend that it do pass without amendments.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow,

Report that they have had the same under consideration and recommend that it do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance, to whom Council Bill No. 137 was referred, report the same back with the following amendments:

To amend section 1 by striking out of line six of the written bill the words "and tornado," and insert in the same line before the word "hail" the word "and."

To amend section 2 by inserting in line four of the written bill after the word "elected." the words "and qualified."

To amend section 4 by striking out of line three of the written bill after the word "hail" the words "and tornado."

To amend section 5 by striking out of line eleven of the written bill the words "or tornado," and insert in same line before the word "lightning" the word "or"; also; to strike out of the same section in line thirteen of the written bill the words "and tornado," and insert in the same line before the word "lightning" the word "and."

To amend section 6 by inserting in line two of the written bill after the word "shall" the following: "Except where cash premium is paid"; also, to strike out in line eleven of same section the word "such," and insert instead the word "which."

To amend section 7 by striking out of line six of written bill, the word "nearest" and insert in lieu thereof the following, "secretary or a."

To amend section 8, by striking out of line two, written bill, the word "carrying" and insert the word "creating."

Also, strike out of lines three and four "For the payment of loss or damage by hail" and insert the following, "in the hail department."

Also, to strike out all of said section after the word "dollars" in line five of the written bill and insert in lieu thereof the following, "in the fire and lightning department, the by-laws to set forth the manner in which such funds shall be created and the purposes to which they shall be applied."

To amend section 9 by inserting in line one before the word "lightning" the word "and," also to strike out of line two and five, the words "and tornado" and insert in line five before the word "lightning" the word "and."

To amend section ten by striking out of line two the words "or tornado;" also by striking out of line three the word "president" and insert the word "secretary," and striking out the word "secretary" in same line and insert in lieu thereof the word "president."

Also to insert in line five of this section after the word "thereof," the following, "which officer shall forthwith ascertain and adjust the amount of such loss or damage, or."

To amend section 11 by inserting in line six of the written bill after the word "ascertained" the following: "And there are not sufficient funds in the treasury to pay such loss or damage;" also, in same line after the word "president" the words "or secretary."

To amend section 15 by striking out of line three of the written bill the word "person" and insert in lieu thereof the word "member."

To amend section 17 by striking out of lines two and three the words "in his absence," and insert in line six of this section before the word "notice" the words "ten days."

With the above amendments, the committee recommend that the bill do pass.

T. O. BOGERT,
Chairman.

MR. PRESIDENT.

Your Committee on Revenue have duly considered Council Bill No. 3 and would recommend the following amendments, viz:

1. Strike out the words "railroad and warehouse commission" wherever they occur in said bill and substitute in lieu thereof the words "railroad commissioners."

2. Substitute the word "February" in place of "March" in line 15 of section 1.

3. Strike out lines 3, 4, 5, 6, and 7 of section 3 of the printed bill and insert in lieu thereof the words "treasurer within ten days after the receipt of the same."

4. In section 4 strike out the words "any such" in line 5 and all of the subsequent part of said section, and insert in lieu thereof "for the purpose of ascertaining the truth of such affidavits and the correctness of such reports, full

power is hereby rested in the railroad commissioners to examine under oath such person or the agents, officers and employes of such association, co-partnership or corporation or other person and if any person so examined by the railroad commissioners, shall knowingly or willfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury."

5. In line 6 of section 6 insert the word "territorial" before the word "treasurer" and in line 7 of section 6 strike out the words "or accounting officer" and in line 7 and 8 of section 6 strike out the words "if the same shall continue for thirty (30) days after serving such notice" and in line 9 of said section 6 insert the words "upon such failure or neglect" after the word "shall" and strike out in said section all of line 12 after the word "tax," all of lines 13 and 14 and all of line 15 preceding the word "it."

6. Strike out all of section 7 preceding the words "the territorial treasurer" in line 3 thereof and insert in lieu thereof "such tax or per centum shall be due and payable on the first day of March in each year and if not paid when due." In line 8 and 9 of said section 7 strike out the clause beginning with the words "in three newspapers" and ending with the word "sold" and insert in lieu thereof "in the manner provided by law for the sale of personal property on execution." Strike out all contained between the word "sale" in line 11 of said section and the words "the territorial" in line 12 thereof.

7. In section 8 strike out the words "as provided in their charter" in lines 2 and 3 and strike out in line 3 the words "when the same becomes due" and in line 9 of said section strike out the word "five" and insert in lieu thereof the word "ten."

8. In line 2 of section 9 after the word "association" insert the words "herein before specified."

And your committee would recommend that said bill when so amended, do pass

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Education has duly considered House Bill No. 56, and unanimously recommend the passage of the same.

Also,

That Council Bill No. 143 be referred to the Committee on Appropriations.

Your committee has also considered Council Bill No. 156, and recommend that the bill be amended as follows, viz: By striking out in line 1 of section 1 the words "book to be known as the" and by striking out the words "in such register" in lines 4 and 8 of section 1.

And that such bill when so amended do pass.

E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your committee to whom House Bill No. 117, A joint resolution providing for the printing of Long's Legislative Hand Book, Was referred, would report and respectfully recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Elections to which was referred Council Bill No. 145 and House Bill No. 41, report that they have had the same under consideration and herewith return Council Bill No. 145 without recommendation.

Your committee further report House Bill No. 41, with the following amendments: Strike out the word "three" in the last line of section 1, and insert in lieu thereof the word "five," and at the end of section 2 of said bill add the following words: "Also by striking out the words provided that the county of Charles Mix be exempted from the provisions of this act," and as so amended your committee recommend it do pass.

C. D. MEAD,
Chairman.

Mr. Collins offered the following resolution and moved its adoption:

Resolved, That the compensation of the doorkeeper of the Council be, and the same is hereby fixed at \$5 per day for actual service rendered.

The resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The resolution of the House requiring the publication of 800 extra copies of Council Bill No. 163 for the use of the members of the Council and House.

Mr. Washabaugh moved
That the matter be referred to the Committee on Public Printing,

The motion prevailed.

The action of the House in returning Council Bill No. 142 with a substitute bill adopted by the House, being considered,

Mr. McCumber moved

That the the Council do not concur in the action of the House in adopting a substitute.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 40,

A bill for an act authorizing county commissioners and town supervisors to offer bounties for killing black-birds.

House Bill No. 136,

A bill for an act in relation to the rendition of fugitives from justice.

Which the house has passed, and your favorable consideration thereof is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 169,

Introduced by Mr. McCumber—

A bill for an act to provide for the registration of voters,
Was read the first time.

Council Bill No. 170,

Introduced by Mr. McCumber—

A bill for an act to amend an act entitled an act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district No. 1, Richland county, Dakota Territory, approved March 13, 1885,

Was read the first time.

Council Bill No. 171,
Introduced by Mr. Hughes (by request)—
A bill for an act to legalize assessment rolls,
Was read the first time.

Council Bill No. 172,
Introduced by Mr. Hughes—
A bill for an act to divide the sixth subdivision of the
Sixth judicial district,
Was read the first time.

Council Bill No. 173,
Introduced by Mr. Lawler—
A bill for an act creating a subdivision of the Second ju-
dicial district,
Was read the first time.

Council Bill No. 174,
Introduced by Mr. Campbell (by request)—
A bill for an act to reimburse and pay George Lilley for
moneys advanced to complete a portion of certain public
building,
Was read the first time.

Council Bill No. 175,
Introduced by Mr. Sheldon of Hand—
A bill for an act to amend section 2, chapter 28, Political
Code, Revenue Laws,
Was read the first time.

Council Bill No. 176,
Introduced by Mr. Matthews—
A bill for an act to reimburse and pay George W. Hopp
for moneys advanced by him to pay for the plans and spec-
ifications for public buildings,
Was read the first time.

Council Bill No. 177,
Introduced by Mr. Dodge—
A bill for an act to provide for acquiring title to lands
occupied by railroad companies,
Was read the first time.

Council Bill No. 178,
Introduced by Mr. Dodge—
A bill for an act to amend section 409 of the Civil Code.
relating to corporations,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 153,

A bill for an act to regulate the practice of pharmacy and the sale of poisons and to prevent the adulteration of medicines in the Territory of Dakota,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 164,

A bill to protect large game and quail in Dakota Territory,

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 165,

Memorial to Congress asking for the appointment of a commission to select school lands,

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 166,

A bill for an act to amend paragraph 1 of section 229 of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 167,

A bill for an act to amend section 271 and section 277 of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 8, 1887. }

MR. PRESIDENT :

I have the honor to transmit herewith
House Bill No. 22,

A bill for an act to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof; approved March 13, 1885.

House Bill No. 98,

A bill for an act to increase the powers of county commissioners.

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors, and

House Bill No. 131,

A bill for an act to amend article 7 of chapter 12 of the Code of Civil Procedure,

Which have been passed by the House of Representatives, and your favorable consideration of the same is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Consideration of Council Bill No. 74, a bill for an act creating the office of county auditor and defining the duties thereof, was resumed.

Mr. Cain, by consent of the Council, withdrew the amendment offered by him yesterday and offered the following as a substitute for section 1, and moved its adoption:

SECTION 1. Whenever a majority of the legal voters of any organized county within the Territory of Dakota shall petition the board of county commissioners of such county at any regular meeting thereof for the appointment of a county auditor, it shall be the duty of such board, in conjunction with the probate judge and treasurer of such county to appoint a legally qualified citizen of such county as county auditor, who shall hold such office and discharge the duties thereof until the first Monday of January after the first general election next succeeding the time of his appointment and until his successor is elected and qualified; provided, that no such appointment shall be made on the day of the presentation of the petition provided for in this section.

The motion was lost.

Mr. Hughes moved

That section 1 as adopted yesterday be stricken out and the original section be reinstated,

The motion prevailed.

Mr. Sheldon of Day, moved

That the following proviso be added to section 1: Provided, that no appointment shall be made until the next regular meeting of the said board of county commission-

ers, and provided further that if on the the first day of the next regular meeting of said commissioners there shall be presented to said county commissioners a petition signed by 200 of the legal voters of the county protesting against the appointment of such auditor, such appointment shall not be made.

Mr. McCumber moved the previous question,
Which was ordered.

The motion of Mr. Sheldon was then lost.

Mr. Ericson moved
That the following be inserted in lieu of section 1:

SECTION 1. Whenever the county commissioners of any county in the Territory of Dakota desire, it shall be lawful for such board to submit the question of the creation of the office of county auditor to a vote of the qualified electors of said county at any annual or general election, and if a majority of the votes cast at such election are in favor of the creation of said office, the said commissioners, together with the probate judge and treasurer of their county, may appoint a legally qualified person county auditor, who shall hold and discharge the duties of such office until the first Monday of January after the first general election next succeeding the time of his appointment and until his successor is elected and qualified.

Mr. Bogert moved the previous question,
Which was ordered.

The question being on the motion of Mr. Ericson and
The yeas and nays being called for and

The roll being called, there were ayes, 11; nays, 13.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Collins, Dodge, Donovan, Ericson, Harstad, Mead, Sheldon of Day, Smith, Weiser.

Those who voted in the negative were:

Messre. Allin, Campbell, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Hand,, Washabaugh, Wells, Mr. President.

So the motion was lost.

Mr. McCumber in the chair.

Mr. Grigsby moved

That section 1 be amended by inserting after the word "Dakota," where it first occurs therein the words "in which the office of county auditor does not now exist."

The motion prevailed.

Mr. Hughes moved

That section 15 of the original bill be amended by inserting after the word "paid," where it occurs therein the words "in the discretion of the board of county commissioners," and by striking out the words "upon a certificate of the county auditor that such services have been actually rendered" therein, be reinserted in the bill.

The motion prevailed.

Mr. Bogert moved

That the words "register of deeds" be inserted after the word "judge" in section 12.

The motion prevailed.

Mr. Dodge moved

That the bill be recommitted.

The motion was lost.

Mr. Washabaugh moved

That section 15 be amended by adding thereto the following: "Provided that no clerk hire shall be allowed, except in counties having an assessed valuation of \$2,000,000 or over."

The motion prevailed.

Mr. Cain moved

That the following be added to section 1: "Provided, that if a majority of the electors of any county as evidenced by the vote cast at the last preceding election shall present a petition remonstrating against the creation of the office of county auditor, to the board of commissioners of such county, the office shall not be created for one year thereafter." And on the motion

The ayes and nays being called for and

The roll being called there were ayes, 19; nays, 4; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Lawler, Martin, McCumber.

Absent and not voting:

Mr. Bogert.

So the motion prevailed.

Mr. Cain moved

That the bill be further amended by adding "And provided further that no such appointment shall be made on the first day of the meeting of the board."

The motion prevailed and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were :

Messrs. Donovan, Ericson, Harstad, Sheldon of Day.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

The president in the chair.

Mr. Campbell moved

That the rules be suspended and that the Council proceed to the consideration of House Bills on third reading.

The motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 13,

A bill for an act to divide the fifth subdivision of the Sixth judicial district into two subdivisions, and to provide for terms of court therein,

Was read the third time.

Mr. Dodge moved

That the bill be amended by adding to section 2, the words "or at such other time as the court may designate."

The motion prevailed, and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Collins, Foster, Wells.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. McCumber in the chair.

House Bill No. 26,

A bill for an act to amend section 1 of chapter 26, General Laws of 1879,

Was read the third time.

Mr. Mathews moved

That the bill be amended by striking out the words in section 1, "for this" and inserting in lieu thereof the word "further."

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 18; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Dodge, Donovan, Lawler, McCumber, Smith.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Ericson moved

That the Council do now adjourn.

The motion prevailed and

Mr. McCumber in the chair, announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTIETH DAY.

BISMARCK, February 9, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names, except Mr. Dodge.

The Journal of yesterday was read and approved.

The following petition was presented and referred to the Committee on Federal Affairs:

To the Legislative Assembly of the Territory of Dakota:

The petition of the undersigned residents and settlers of the County of Barnes in the Territory of Dakota showeth that the action of the Honorable W. A. J. Sparks, commissioner of the land office at Washington, D. C., as exemplified by recent decisions in the Fargo and other land districts, in the matter of final proofs and several orders recently made by the Honorable Wm. A. J. Sparks is, in the opinion of your petitioners, prejudicial to the interests of the Territory of Dakota and is unfair to the settlers and residents generally and will keep out settlers.

Your petitioners therefore pray that your Honorable body will take action on the said matter and endeavor to get the same redressed and your petitioners will ever pray,

VERNON I. G. SHAW, et al.

The following petitions were referred to the Committee on Appropriations:

ONIDA, DAK., Feb. 5, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of the U. S. Grant Post, No. 95, department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a soldiers' and sailors' home in the Territory of Dakota; and we most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

FRANK DINIBULTZ,
Commander.

Attest:

WILLIAM TOOMEY, Adjutant, et al.

GRAFTON, Feb. 5, 1887.

To the Honorable, the Legislature of Dakota, in Session at Bismarck:

At a regular meeting of L. McHamilton post No. 92, department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a soldiers' and sailors' home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

J. C. SMART,
Commander.

The following petition was referred to the Committee on Territorial Affairs:

To the Honorable, the Legislature of Dakota, in session at Bismarck;

We, the undersigned citizens of the Territory, and whose postoffice address is Grand Forks, county of Grand Forks, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. H. BOSARD, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. PRESIDENT :

Your Committee on Charitable and Penal Institutions beg leave to report that they have had under consideration

Council Bill No. 155,

A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights,

And report the same back with the recommendation that the bill do pass without amendments.

E. G. SMITH,
Chairman.

MR. PRESIDENT :

Your committee to whom was referred
Council Bill No. 117,

A bill to authorize cities to raise funds for aiding and maintaining public library associations,

Would report and respectfully recommend that the same do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT :

Your Committee on Judiciary, to which was referred
Council Bills Nos. 101 and 119,

Recommend that said bill No. 101 be not passed and that said bill No. 119 be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT :

Your committee to whom was referred
Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled incorporation of towns and cities,

Would respectfully report and recommend that the same do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue have had under consideration

Council Bill No. 17,

And report the same back to the House with the recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your committee to whom

Council Bill No. 103

Was referred, would respectfully report and recommend that they are of the opinion that said bill contravenes the act of Congress passed July 30, 1886, and that the said bill No. 103 be referred to the Judiciary Committee.

J. S. WEISER,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 179,

Introduced by Mr. McCumber—

A bill for an act relating to the handling and storage of grain and prescribing the duties of warehousemen and the railroad and warehouse commission in relation thereto,

Was read the first time.

Council Bill, No. 180,

Introduced by Mr. Mead—

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 181,

Introduced by Mr. Wells—

A bill for an act to amend paragraph one of section 229, of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 182,

Introduced by Mr. Martin—

A bill for an act to amend section 93 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 183,

Introduced by Mr. Hughes—

A bill for an act providing for appeals from county boards of equalization,

Was read the first time.

Council Bill No 184,

Introduced by Mr. Collins—

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 168,

A bill for an act for the creation of a board of railroad and warehouse commission and for the regulation of common carriers,

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 169,

A bill for an act to provide for the registration of voters,

Was read the second time and

Referred to the Committee on Election.

Council Bill No. 170,

A bill for an act to amend an act entitled an act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district No. 1, Richland county, Dakota Territory, approved March 13, 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 171,

A bill for an act to legalize assessment rolls,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 172,

A bill for an act to divide the sixth subdivision of the Sixth judicial district,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 173,

A bill for an act creating and defining a subdivision of the second judicial district,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 174,

A bill for an act to reimburse and pay George Lilley for moneys advanced to complete a portion of certain public building,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 175,

A bill for an act to amend section 2, chapter 28, Political Code, Revenue Laws,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 176,

A bill for an act to reimburse and pay George W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings,

Was read the second time and

Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 111,

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Was read the third time, and

The question being on the amendment of the bill as recommended by the Committee on Agriculture, the report of that committee was adopted and the bill amended accordingly, and

The question being shall the bill pass, and

The roll being called there were ayes, 21; nays none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Grigsby, Hughes.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 9, 1887. }

MR. PRESIDENT :

I have the honor to transmit herewith
Council Bills, Nos. 92, 96 and 128, which have passed the
House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Council Bill No. 107,

A bill for an act to remove the political disabilities of
Henry Muchow,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, none;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan,
Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Mc-
Cumber, Mead, Sheldon of Day, Sheldon of Hand, Smith,
Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Hughes, Lawler, Washabaugh.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in
case of fires in buildings used for public assemblages,

Was read the third time.

Mr. McCumber moved

That the bill be amended by striking out the word five
in section 1 and inserting in lieu thereof the word "four."

The motion prevailed.

Mr. Bogert moved

That the word "doorways" be inserted in section 1, after the words "outward and."

The motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Collins, Dodge, Donovan, Ericson, Grigsby, Wells.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 145.

A bill for an act entitled an act to amend sections 3 and 4 of chapter 5 of the Political Code,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes 9; nays, 7; not voting, 8.

Those who voted in the affirmative were :

Messrs. Allin, Bogert, Cain, Campbell, Galloway, Harstad, Hughes, Lawler, Smith.

Those who voted in the negative were:

Messrs. Donovan, Ericson, McCumber, Mead, Sheldon of Hand, Washabaugh, Mr. President,

Absent and not voting:

Messrs. Collins, Dodge, Foster, Grigsby, Martin, Sheldon of Day, Weiser, Wells.

So the bill passed.

Mr. Cain moved

That the vote by which the bill was passed be reconsidered.

Mr. Smith moved

That the motion to reconsider lie on the table and
The ayes and nays being called for, and
The roll being called, there were ayes, 6; nays, 13; not
voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Harstad, Hughes, Lawler,
Smith.

Those who voted in the negative were:

Messrs. Bogert, Cain, Collins, Donovan, Ericson, Gallo-
way, Martin, McCumber, Mead, Sheldon of Hand, Wash-
abaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Dodge, Foster, Grigsby, Sheldon of Day, Wells.
So the motion was lost, and

The question being on the motion to reconsider, and
The ayes and nays being called for, and

The roll being called, there were yeas, 11; nays, 10; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Donovan, Ericson, Foster, Mc-
Cumber, Mead, Sheldon of Hand, Washabaugh, Weiser,
Wells.

Those who voted in the negative were:

Messrs. Allin, Campbell, Collins, Galloway, Harstad,
Hughes, Lawler, Martin, Smith, Mr. President.

Absent and not voting:

Messrs. Dodge, Grigsby, Sheldon of Day.

So the motion prevailed.

Mr. Ericson moved

That the bill be re-committed to the Committee on
Elections.

The motion prevailed.

Council Bill No. 156,

A bill for an act entitled an act to require teachers of
public schools to keep a record of the visits of county
superintendents,

Was read the third time, and

The question being on the amendment of the bill as re-
commended by the Committee on Education, the report of
that committee was adopted and the bill amended accord-
ingly.

Mr. Ericson moved

That the bill be further amended by adding to section 1 "and the teacher shall also enter a copy of such record in the report made to the school board."

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Dodge, Grigsby, Lawler, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies, Was read a third time.

Mr. Foster moved

That the bill be amended in accordance with the recommendations of the report of the Committee on Insurance.

The motion prevailed.

Mr. Sheldon moved,

That the bill be amended in section 2, by striking out the word "one" in line four and by inserting the word "a" after the word "number" in line five.

The motion prevailed.

Mr. Collins moved,

That section 14 be amended by inserting after the words "school furniture herein" the words "church buildings and furniture therein."

The motion prevailed.

Mr. Ericson moved,

That section 1 be amended by inserting after the word "value" in line five, the words "in addition to the amount of property exempt by law from levy and sale under execution."

The motion was lost.

The question then being shall the bill pass and

The roll being called there were ayes, 20; nays 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Wash-
abaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Ericson.

Absent and not voting:

Messrs. Dodge, Grigsby, Lawler.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Donovan moved

That when the Council adjourn it be to meet at 10 o'clock to-morrow.

The motion prevailed.

Council Bill No. 143,

A bill for an act authorizing the adjutant general to purchase arms, equipments and gun lockers, and to provide for the use of the same at the agricultural college at Brookings,

Was taken up.

Mr. Wells moved

That the bill be referred to the Committee on Appropriations.

The motion prevailed.

Mr. Bogart moved

That the rules be suspended and that the Council proceed to the consideration of House Bills.

The motion was lost

Council Bill No. 3,

A bill for an act to provide for the taxation of persons, copartnerships, associations, car loaning companies, sleeping car companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads in this Territory and not being exclusively the property of any railroad company paying taxes on their gross receipts.

Was read the third time.

Mr. Ericson moved

That the bill be amended in accordance with the recommendations of the Committee on Revenue.

The motion prevailed.

Mr. Sheldon moved

That the bill be made a special order for Monday next, at 3 p. m.

Mr. Ericson moved

That the motion be amended so as to make it to-morrow at 2 o'clock.

The motion to amend was agreed to and the motion as amended then prevailed.

Mr. Smith moved

That the Council adjourn.

The motion was lost.

Mr. Galloway moved

That the vote by which the Council agreed to meet to-morrow at 10 o'clock be reconsidered. •

The motion was lost.

Mr. Ericson moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY FIRST DAY.

BISMARCK, February 10, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

The following petition was presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Drayton, County of Pembina, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887.

And thus your petitioners will ever pray.

A. W. McCREO, et. al.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT;

Your committee to whom was referred

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses

incurred by the Territorial militia at Territorial encampment held at Fargo, Dakota, in September, 1885,

Have the honor to report that we have had the same under consideration and respectfully report that we recommend an amendment to the same by striking out the word "and" after the figures 1885 in nineteenth line of written bill or sixth line of printed bill, and as thus amended that the same do pass.

E. W. FOSTER,

Chairman Committee on Military Affairs.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations begs leave to report that it has had under consideration Council Bill No. 49, and that it recommends the striking out of all of said bill after the enacting clause and inserting the following:

SECTION 1. All cities and municipal corporations in this Territory having a population of 3,000 inhabitants, or more, are hereby authorized and empowered to lease, rent and maintain any system or parts of system of water works, hydrants and supply of water, telegraphic fire signals or fire apparatus that may be of use in the prevention and extinguishment of fires; and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection and maintenance of the property so leased.

The common council or board of trustees of such city or municipal corporation are hereby empowered and authorized to assess, levy and collect taxes, and to do all acts necessary to carry such lease and contract into effect, and to pay the stipulated rent for the property so leased; excepting, however, that any such lease or contract to be entered into, which shall stipulate for the payment of any annual rent greater than a levy of five mills on each dollar of the assessed valuation of such city or municipal corporation, shall not be authorized until the contract providing therefor shall first have been submitted to the people of such city or municipal corporation, at any general or special election, and ratified by a majority of the voters of said city or municipal corporation voting at such election.

SEC. 2. Any and all contracts and ordinances, which shall heretofore have been made by any city or municipal corporation in this territory, providing for the leasing or renting of any system or parts of system of waterworks, hydrants, and supply of water, telegraphic fire signals or

fire apparatus that may be of use in the prevention or extinguishment of fires, and the payment of the stipulated rent therefor, are hereby ratified and approved, and the said contracts and ordinances shall have the same force and effect as if said city had had such power under its charter at the time said contracts were made.

SEC. 3 This act shall not be construed to modify or affect the power of any city or town or the powers of the common council or board of trustees thereof as authorized and granted by the charters or such cities or towns, or the laws under which they were incorporated.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

The committee has also had under consideration Council Bill No. 132, and it recommends that said bill be considered in connection with Council Bill No. 117.

Both of said bills are herewith returned.

J. S. WEISER,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 185,

Introduced by Mr. Foster,

A bill for an act to repeal sections 1, 2, 3 and 4 of chapter 60 of the Session Laws of 1883, entitled an act to stock with food fishes the waters of Dakota and to protect the same, and for other purposes, and to enact in lieu thereof the following: An act for the appointment of a game and fish commissioner for the stocking and maintaining fish hatcheries, and for the protection of fish in Dakota streams,

Was read the first time.

Council Bill No. 186,

Introduced by Mr. Cain—

A bill for an act to create new school corporations in certain cases,

Was read the first time.

Council Bill No. 187,

Introduced by Mr. Wells—

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly,

Was read the first time.

Council Bill No. 188,
Introduced by Mr. Dodge—

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

Was read the first time.

Council Bill No. 189,

Introduced by Mr. Washabaugh—

A bill for an act reviving and making operative within the counties of Lawrence, Pennington, Custer, Fall River and Butte, the provisions of sections 1098 and 1100 of the Civil Code, entitled "loan of money."

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 177,

A bill for an act to provide for acquiring title to lands occupied by railroad companies,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code, relating to corporations,

Was read the second time and

Referred to the Committee on Banks and Banking.

Council Bill No. 179,

A bill for an act relating to the handling and storage of grain and prescribing the duties of warehousemen and the railroad and warehouse commission in relation thereto,

Was read the second time and

Referred to the Committee on Warehouses and Grain Grading.

Council Bill, No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 181,

A bill for an act to amend paragraph one of section 229, of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 182,

A bill for an act to amend section 93 of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 183,

A bill for an act providing for appeals from county boards of equalization,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the second time and
Referred to the Committee on Territorial Affairs.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers, and for recording such bonds and filing the same in the office of the auditor of the territory and for other purposes,

Was read the third time.

Mr. Ericson moved

That the words "and the public examiner" be stricken from the bill.

The motion prevailed.

Mr. Donovan moved

That further consideration of the bill be postponed until the 17th inst.

The motion was lost.

Mr. Smith moved

That the bill be amended by striking out the word "said" where it last occurs in line 1 of section 10 and insert in line 2 of said section after the word "officers" the words "mentioned in section 8."

The motion prevailed.

Mr. Washabaugh moved

That section 5 be amended by inserting after the words

“register of deeds,” the words “or clerk of the district court.”

The motion prevailed.

Mr. Washabaugh moved

That the bill be amended by adding to section 12 the following proviso:

“Provided, that in any action upon the official bond of any officer, a denial of the execution of the bond, or the genuineness of the signature of the officer or of any of the sureties thereon, shall be specially plead in the answer, and a general denial shall not be deemed sufficient to raise such issue.

The motion prevailed.

Mr. Bogert moved

That section 8 be amended by inserting after the word “officers” the words “before said officers shall enter on the discharge of the duties of their office.”

The motion prevailed.

Mr. Smith moved

That the bill be amended in section 19 by striking out all after the word “shall” therein, and inserting in lieu thereof the words “not exceed the amount of the penalty.”

The motion prevailed.

The question then being shall the bill pass, and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Dodge, Grigsby, Lawler.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 101,

A bill for an act to regulate liquor license,

Was read the third time, and
The question being shall the bill pass, and
The roll being called, there were ayes, 3; nays, 18;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Foster, Galloway, Wells.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson,
Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Shel-
don of Day, Sheldon of Hand, Smith, Washabaugh, Weiser,
Mr. President.

Absent and not voting:

Messrs. Bogert, Dodge, Lawler.

So the bill was lost.

Council Bill No. 103,

A bill for an act entitled an act to repeal an act to amend
the charter of the city of Elk Point, Union county, approved
March 12, 1885,

Was taken up.

Mr. Foster moved

That the bill be referred to the Committee on Ju-
diciary.

The motion prevailed.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the
Territory of Dakota to raise funds by taxation for the pur-
pose of aiding and maintaining public library associations,

Was taken up.

Mr. Grigsby moved

That its consideration be postponed until to-morrow.

The motion prevailed.

Council Bill No. 119,

A bill for act creating liens on the crops of persons buy-
ing seed on credit and providing the manner of filing and
foreclosing the same,

Was read the third time.

Mr. Hughes moved

That the bill be amended by adding at the end of section
2 the words "if filed within thirty days after the seed grain
is furnished."

The motion prevailed.

Mr. McCumber moved

To amend section 1 by adding after the word "lands," in line five, the words "from the seed furnished as."

The motion was lost.

Mr. Mead moved

That section 1 be amended by inserting the word "only" after the word "lien;" by striking out the word "all," in the same line, and inserting "the" in lieu thereof; by striking the letter "s" from the word "crops," and by striking out the word "raised" and inserting in lieu thereof the words "produced from the kind of seed furnished."

The motion prevailed.

Mr. Hughes moved

That the bill be amended in section 6 by inserting after the word "thereof" in line three the words "without the written consent of the party who furnished seed afore-said."

The motion prevailed.

Mr. Sheldon of Hand moved

That section 6 be stricken out.

The motion was lost.

Mr. Sheldon of Hand moved

To amend by striking out all of line five, section 6, except the word "by," and changing "\$500" in line six so as to read "\$100," and striking out all of line six after "\$100."

The motion was lost.

Mr. Cain moved

To amend by striking out all of line five down to the word "by" at the end of such line and by striking out "\$500" in line six and inserting "\$300"; and by striking out all after "\$500" in line six, and

The ayes and nays being required, and

The roll being called there were ayes, 12; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Donovan, Foster, Harstad, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Wells.

So the motion was lost.

Mr. McCumber moved

That the following be added to section 6:

Provided, that the person or corporation so furnishing grain shall not have a lien for the value of any grain used for other than seeding purposes, with his consent.

The motion was lost.

Mr. Sheldon of Hand, moved that the title be amended so as to read "an act to protect railroad corporations, bankers and others who loan seed to unfortunate farmers, and

The ayes and nays being required, and

The roll being called, there were ayes, 6; nays, 18.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, McCumber, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Washabaugh, Wells. Mr. President.

So the motion was lost.

The question then being shall the bill pass and

The roll being called there were ayes 19; nays, 5.

Those who voted in the affirmative were :

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Cain, McCumber, Sheldon of Hand, Weiser, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 3,

A bill for an act to provide for the taxation of persons, co-partnerships, associations, car-loaning companies, sleeping car companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads in this Territory and not being exclusively the

property of any railroad company paying taxes on their gross receipts,

Was read the third time.

Mr. Bogert moved

That the word "réceipts" in section 1 be stricken out and the word "earnings" be inserted in lieu thereof.

The motion prevailed.

The question then being shall the bill pass and

The roll being called there were ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.
Mr. President

So the bill passed, and

The question being as to its title,

Mr. Bogert moved

That its title be amended by striking out the word "re-
ceipts" and inserting in lieu thereof the word "earnings."

The motion prevailed and

The title as thus amended was agreed to.

The special order for this hour,

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad and warehouse commission in relation thereto,

Was taken up.

Mr. Dodge moved

That the bill be referred to the Committee on Judiciary, with instructions to report the same not later than Tuesday next.

The motion prevailed.

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled "Incorporations of towns and cities,"

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Lawler and McCumber.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 155,

A bill for an act entitled an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights

Was read the third time.

Mr. Ericson moved

That the bill be amended so that in speaking of the insane the reference be to them as of the masculine gender throughout the bill.

The motion prevailed.

Mr. Smith moved

That the bill be amended by striking from it the preamble.

The motion prevailed.

The question then being shall the bill pass and

The roll being called there were ayes. 22; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Galloway, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to. ●

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 10, 1887. }

MR. PRESIDENT :

I have the honor to transmit herewith
Council Bill No. 13,
A bill for an act legalizing a certain election held in
Sioux Falls and for other purposes,
Together with the veto message of the acting Governor,
with the information that the House has sustained the veto
of the Governor.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 10, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House
has refused to recede from its position on
Substitute for Joint Resolution No. 142,
Providing for the appointment of a committee to visit
the insane asylums at Jamestown and Yankton,
And has appointed a conference committee consisting of
Messrs. Cooper, Sullivan and Shook, and the Council is res-
pectfully requested to appoint a committee to confer with
these gentlemen on the subject.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 42,
A bill for an act authorizing the division of counties and
for other purposes.
House Bill No. 144,
A memorial asking Congress for measures to protect the
public school lands.
House Bill No. 148,
A bill for an act to amend section 2 of chapter 77 of the
General Laws of 1881.
House Bill No. 135,

A bill for an act to amend section 77 of chapter 112, Laws of 1883, relating to the town board of auditors.

Which have passed the House and your favorable consideration thereof is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Washabaugh moved

That the rules be suspended and that House bills on their first reading this day be read the first and second time and referred to their appropriate committees.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 68,

A bill for an act to prevent the wearing of Grand Army of the Republic badges unlawfully,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 51,

A bill for an act to repeal section 680, to amend section 681 and to repeal section 682 of the Code of Civil Procedure,

Was read the first and second time, and
Referred to the Committee on Judiciary.

House Bill No. 7,

A bill for an act to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 157,

A joint resolution to pay for chairs for use of the ladies visiting the capitol,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 136,

A bill for an act in relation to the rendition of fugitives from justice,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 40,

A bill for an act authorizing county commissioners and

town supervisors to offer bounties for killing black-birds,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 98,

A bill for an act to increase the powers of county commissioners,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 131,

A bill for an act to amend article 7 of chapter 12 of the Code of Civil Procedure,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 22,

A bill for an act to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund outstanding indebtedness, approved March 13, 1885,

Was read the first and second time and
Referred to the Committee on Revenue.

THIRD READING OF HOUSE BILLS.

House Bill No. 37,

A bill for an act to amend article 11, chapter 3, division 2, of the Civil Code, entitled "Insurance Corporations,"

Was read the third time.

Mr. McCumber moved

That the bill be recommitted.

Which motion was lost.

The question then being shall the bill pass, and

The roll being called there were ayes, 7; nays, 17.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, McCumber, Sheldon of Hand, Washabaugh.

Those who voted in the negative were:

Messrs. Cain, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Weiser, Wells, Mr. President.

So the bill was lost.

House Bill No. 41,

A bill for an act to amend section 15 and 16 of chapter 122 of the laws of 1881.

Was read the third time.

Mr. Galloway moved

That the bill be amended in accordance with the recommendations of the report of the Committee on Elections.

The motion prevailed.

Mr. Hughes moved

That the bill be amended by striking out the word "three" in line seven of section 1 and inserting in lieu thereof the word "one;" also by striking out the word "person" in the same line and inserting "voters;" and by adding the following to the end of said section: "As evidenced by the vote cast at the last preceding general election."

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes, 21; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Foster, McCumber.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 22; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes,

Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Lawler.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 117,

A joint resolution providing for the printing of Long's Legislative Hand Book.

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were, ayes, 15; nays, 9.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Foster, Galloway, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Donovan, Ericson, Grigsby, Harstad, Martin, Mead, Smith, Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Hughes moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-SECOND DAY.

BISMARCK, February 11, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names, except Mr. Ericson, who was excused.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes.

Which the House has passed, and your favorable consideration of the same is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented and referred to the Committee on Appropriations:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

BRIDGEWATER, Feb, 2, 1887.

At a regular meeting of Gen. S. R. Curtis Post, No. 110,

Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

JOSEPH H. HAPGOOD, Commander.

Attest: W. J. BOLLINGER, Adjutant. •

NORTHVILLE, D. T., Feb. 7, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Thos. Elson Post No. 54, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

J. K. COLEMAN, Commander.

Attest: EDWIN F. CLARKE, Adjutant.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of———Post, No.—. Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

C. S. GIFFORD, Commander.

Attest: H. S. BARBOUR, Adjutant.

PIERRE, DAK., Feb. 11, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Sully Post No. 13, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most

respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

JAS. JEBREE, Commander.

Attest: S. M. LAIRD, Adjutant.

MONTROSE, February 5, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Shaffer Post, No. 18, Department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

HENRY M. PARDEE, Commander.

Attest: M. E. BUTTERFIELD, Adjutant.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Gen. G. M. Dodge Post, No. 69, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

W. W. PALMER, Commander.

Attest: W. H. SHERRATT, Adjutant.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 92, 95, 96 and 128 as properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

The majority of your Committee on Federal Affairs, to whom has been referred

Council Bill No. 113,

Report the same back with the following amendments:

To amend section 3 by inserting in line seven of the printed bill after the word "law" the following; "Relating to general election."

To amend section 5 by inserting in line five of the printed bill after the word "for" the word "division," and after the word "and" in same line the words "the whole number cast."

To amend same section by inserting in line eight of the printed bill before the word "Congress" the word "the"; and by adding at the end of said section the following: "The results of such election, duly authenticated, shall be preserved by and kept in the office of the secretary of the Territory as the results of other elections are authenticated and preserved."

With the above amendments the majority of the committee recommend the passage of the bill.

T. M. MARTIN,
Chairman.

MINORITY REPORT.

MR. PRESIDENT:

The undersigned, a member of your committee on Federal Relations, cannot concur in the recommendation to your house that Council Bill No. 113 do pass. because,

First. The legislation sought to be accomplished is believed to be outside of and beyond the limitations of the legislative power. "Rightful subjects of legislation" are held to be entirely within the field of domestic affairs, and the Territorial Legislature can deal only with matters of local or internal concern. Any wish of any citizen, or of any number of citizens, on the subject of division or other change in Territorial boundaries, may rightfully be expressed through any peaceful means which shall not involve a public expense. But to undertake to express such a wish by any process that diverts the domestic revenue from domestic purposes, would be, as the undersigned believes, if authorized by legislative enactment, at least a quasi usurpation of power.

Second. Because an election, if it should be ordered, would cost the taxpayers too much money to be justified by any hoped for result. It is estimated that such an election, if held next June, would cost the Territory from seventy to eighty-five thousand dollars. It is submitted that the people can ill afford to have so grave a burden placed upon them at a time when our educational, chari-

table and penal institutions are crowding taxation to the extreme limit of wise and obligatory expenditure.

Third. Because, assuming the power of the Legislature to order the election, the election, if held, would fall short of even a fair showing of the relative strength in numbers of those who favor division and those who do not. The rule in all such contests is that the parties who seek a change in organic laws are enthusiastic and earnest. Those who prefer the existing status of things are relatively careless. The former will make personal sacrifices to get to the polls to vote; the latter will stay at home. So the result can be foreseen to be or likely to be a pretty full showing of the number of voters who favor division, while the number of those disfavoring it will remain an algebraic x —an unknown quantity.

Therefore, the undersigned begs leave to submit this as a minority report, with the recommendation that Council Bill No. 113 do not pass.

H. GALLOWAY,

Minority of Committee on Federal Relations.

MR. PRESIDENT :

Your Committee on Judiciary, to which was referred House Bill No. 15,

Report that they have had the same under consideration and recommend that section 1 of said bill be amended to read as follows:

That section 1 of chapter 78 of the General Laws of 1885 be and the same is hereby amended to read as follows, viz:

SECTION 1. That the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, Moody and Lake shall constitute the Fourth judicial district, and each of said counties shall constitute a judicial subdivision, and the terms of the district court shall be held therein as follows, to-wit:

Clay county, the first Tuesday in February and the third Tuesday in September.

Union county, the third Tuesday in February and the first Tuesday in September.

Turner county, the fourth Tuesday in February and the fourth Tuesday in September.

Lincoln county, the second Tuesday in March and the third Tuesday in October.

Minnehaha county, the second Tuesday in April and the second Tuesday in November.

McCook county, the fourth Tuesday in May.

Lake county, the first Tuesday in June.

Moody county, the third Tuesday in June and the first Tuesday in January; provided, that for the year 1887 the court for Turner county shall be held on the third Tuesday in March instead of the said second Tuesday in March; and, thereafter, the terms of court shall be held in said counties as in this act provided.

And with this amendment, they recommend the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue having duly considered Council Bill No. 4, would recommend the following amendments thereto:

1. Strike out the word "and" in line eight of section 2, and insert after the word "including," in lines eight and nine, the following: "all grounds used by any agricultural fair association, not exceeding forty acres, and used exclusively for agricultural exhibitions and."
2. After the word "companies," in line twelve of section 2, add "and the grounds and buildings of militia companies which are used exclusively for armory purposes."
3. In line twenty-nine of section 2 strike out the words "not exceeding in value \$200," and add said words after the word "family" in line thirty thereof.
4. After the word "fuel," in line thirty-one of section 2, insert the words "of each family."
5. Strike out the words "of the proper county," in line sixty-six of section 2.
6. After the word "act," in line 2 of section 3, add the word "including."
7. In line twelve of section 3 strike out the words, "including bank bills."
8. In line three of section 4 strike out the words, "commissioner precinct or township," and insert in lieu thereof the word "district."
9. In line four of section 5 strike out the word "commissioner" and the words "or townships."
10. In line three of section 6 strike out the word "by," preceding the word "division," and insert in lieu thereof the word "any."
11. In line twenty-four of section 6 insert the word "neat" before the word "cattle."

12. In line two of section 8 strike out the words "the persons who were," and also the letter "s" in the word "owners" in said line.

13. In line nine of section 8 strike out the word "commissioner" and the words "or township."

14. Strike out all in section 11 after the word "congress" in line four thereof.

15. In line two of section 12 strike out the words "and grain."

16. In line four of section 17 insert the word "Monday" in lieu of the word "day."

17. In line six of section 20 strike out the words "and punished accordingly," and insert the words "and in addition thereto shall for each offense forfeit the sum of \$10, to be deducted from his compensation by the board of county commissioners or township supervisors, as the case may be."

18. In line two of section 21 insert a comma after the word "thing" in lieu of the period, and begin the word "and," following thereafter, with a small letter "a" in lieu of the capital.

19. In line two of section 27 strike out the word "commissioner" and the words "or township."

20. In line four of section 30 insert the word "upon" after the word "except."

21. Strike out all of sections 31 and 32 and re-number subsequent sections accordingly.

22. In line five of section 34 insert the word "may" after the word "business;" substitute a period for the semicolon after the word "be" and capital "E" for the small "e" in the word "each."

23. In line five of section 35 insert the word "total" after the word "the."

24. Strike out subdivision 8 of section 35 and insert the figure "8" in lieu of "9," in line twenty-nine of said section.

25. In line fifteen of section 45 strike out the word "commissioner" and insert "assessor," and strike out the words "(or township No.)."

26. Strike out the word "commissioner" in lines two and five of section 45, and the words "and townships" in lines two and six thereof.

27. Strike out the word "commissioner" and the words "and townships" in line eighteen of section 45.

28. Strike out the word "commissioner" and the words "or townships" in line twenty-five, section 45.

29. In line twenty-nine of section 45 insert the word "assessor" in lieu of "commissioner," and in line thirty thereof strike out the words "(or township)."

30. In form after thirty-seventh line, section 45, under the heading "Cattle," strike out the words "3 years old" and insert "cows."

31. In line three of section 49 substitute the word "third" for the word "first" and the word "July" for "August."

32. In subdivision 9 of section 49 insert after the word "asses" the words "one year old," and after said subdivision insert the following: "10. The number of mules and asses 2 years old and their total value; 11. The number of mules and asses 3 years old or over and their total value;" and re-number following subdivisions accordingly.

33. In line four of section 50 strike out "June" and insert "August."

34. Strike out subdivision 3 of section 50 and re-number following subdivisions accordingly.

35. Strike out the words "town, township, village or city" in lines thirty-two and thirty-six of section 50.

36. In line one of section 52 substitute "fourth" for "first" and "August" for "September."

37. In lines one and four of section 53 substitute "September" for "July."

38. In line five of section 54 substitute "September" for "July."

39. Add at end of section 55 the following, viz.: "Provided, That all taxes which are uniform throughout the county shall be formed into a single tax, entered upon the tax list in a single column and denominated a consolidated tax, and each tax receipt shall show the percentage levied for each separate fund."

40. In line three of section 55 strike out the word "commissioner" and the words "and townships."

41. In line nine of section 56 substitute "November" for "December," also substitute "Monday" for "day."

42. In line five of section 61 strike out the word "at" and insert in lieu thereof the words "within twenty-four hours after."

43. Strike out all of section 61 after the word "amount," in line ten, and substitute in lieu thereof the words "in manner and form as appears in the tax list."

44. Strike out in section 65 all included between the word "and" in line four and the word "and" in line six and insert in lieu thereof "the several items as the same appear on the tax list."

45. In line nine of section 66 strike out the word "at" and insert in lieu thereof the words "keep his office open from 9 a. m. to 4 p. m. of each business day, and shall within twenty-four hours after."

46. Strike out all of section 67 and substitute the following: "Section 67. The treasurer of each county shall, on the first Monday of every month, apportion the consolidated tax of each county collected during the preceding month among the several funds to which it belongs, according to the number of mills levied for each fund contained in said consolidated tax, and shall also apportion all penalty and interest to the separate funds on which the same accrued, and having entered the amount of tax for each fund, including other taxes collected during the preceding month upon his cash account, he shall report the amount of each distinct tax to the county clerk or county auditor, as the case may be, who shall charge him up with the same."

47. In line eleven of section 70 substitute the word "that" for the word "than," and in line fourteen thereof substitute the word "to" for the word "in."

48. In line seven of section 70 after the word "tax" insert the words "which shall be collected in the same manner if delinquent on the first day of September following."

49. In line ten of section 72 substitute "December" for "January."

50. In line five of section 79 substitute "September" for "July."

51. In line twelve of section 80 strike out the words "as he receives them," and insert the words "on demand upon the order of the proper officers."

52. In line fifteen of section 85 substitute the word "five" for the word "three."

53. In line eleven of section 88 after the word "sold" insert the words "name of person to whom said property is assessed."

54. In line twenty of section 90 after the word "set" insert the words "the same."

55. In line fourteen of section 94 after the word "purchase" insert the words "but no such subsequent tax shall

be paid by such purchaser until ten days before such tax becomes delinquent."

And attach to section 97: "And provided further that when any person shall redeem any lands or lots sold for taxes and shall not demand a redemption receipt for the money paid, the return of the certificate of purchase for cancellation shall operate as a release of all the claim to the tract or lot described therein, under or by virtue of the purchase; and the county treasurer upon receiving such certificate of purchase, shall mark on the tax sale record opposite the description of the property for which said certificate of purchase had been issued, 'Sale cancelled by return of certificate.' The fee for making said entry shall be ten cents for each description."

The committee further recommend that the bill as amended do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your committee on judiciary to which was referred House Bill No. 94, and Council Bills Nos. 150, 151, 154, 173 and 182,

Report that they have had the same under consideration and make the following recommendations, to-wit:

That said bill No. 94 be passed.

That said bill No. 150 be referred to the Committee on Banking.

That said bill No. 151 be not passed.

That said bill No. 154 be passed.

That said bill No 173 be amended by adding the word "court" after the word "district" in line 4 of the written bill, and by striking out the word "on" after the word "Brule" in line 5 and inserting in lieu thereof the word "at," and that with these amendments the bill be passed.

And that said bill No. 182 be not passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs return herewith Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasolene, manufactured from petroleum or coal oils,

And recommend that the bill do not pass.

Mr. Foster, a member of this committee, gave notice that he would submit a minority report.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs return herewith Council Bill No. 164,
A bill for an act to protect large game and quails in the Territory of Dakota,
And recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs return herewith Council Bill No. 165,
A memorial to Congress asking for the appointment of a commission to select school lands,
Report that they have had the same under consideration, and recommend that it do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs return herewith Council Bill No. 127, and report that they have had the same under consideration, and recommend that the bill be amended by striking out the word "or" in the second line of section 1; and after the word "coyote" add the words "or mountain lion;" also to add to line 15, after the word "dollars" where it occurs lastly in said line, the words "for every mountain lion so killed, two dollars;" and that the bill, when so amended, do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT;

Your Committee on Counties, to whom have been referred

House Bills Nos. 43 and 78,

Wish to make the following report:

To report back House Bill No. 43 with the recommendation that it do not pass.

To report back House Bill No. 78 with the recommendation that it do pass.

S. P. WELLS,
Chairman,

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills report
Council Bills 92, 95, 96 and 128

Delivered to and deposited with his Excellency the acting Governor February 11, 1887, at 4 o'clock p. m.

C. D. MEAD,
Chairman.

Mr. Hughes moved

That the rules be suspended and that House Bill No. 15 be advanced to its third reading and put on its passage.

The motion was lost.

The House of Representatives having refused to recede from its action in regard to Council Bill No. 142,

Mr. Bogert moved

That the president appoint a committee of conference as asked.

The motion prevailed and

The president appointed as such committee Messrs. Bogert, Dodge and Campbell.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 190,

Introduced by Mr. Foster—

A bill for an act to repeal section 2 of chapter 41 of the Political Code and to amend chapter 63 of the Session Laws of 1883, relating to the protection of game,

Was read the first time.

Council Bill No. 191,

Introduced by Mr. Campbell—

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth judicial district and the time of holding court therein,

Was read the first time.

Council Bill No. 192,

Introduced by Mr. Allin—

A bill for an act entitled an act amending chapter 26 of the Political Code of the Territory of Dakota,

Was read the first time.

Council Bill No. 193,

Introduced by Mr. Matthews—

A bill for an act to amend chapter 112 of the laws of 1883, entitled Township Government,

Was read the first time.

Council Bill No. 194,

Introduced by Mr. Bogert—

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial normal school at Springfield, D. T.,

Was read the first time.

Council Bill No. 195,

Introduced by Mr. Bogert—

A joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Was read the first time.

Council Bill No. 196.

Introduced by Mr. Hughes (by request)—

A bill for an act to create a new subdivision of the Sixth judicial district,

Was read the first time.

Council Bill No. 197,

Introduced by Mr. Hughes—

A bill for an act to amend section 26 of chapter 39 of the Political Code, entitled compensation of public officers,

Was read the first time.

Council Bill No. 198,

Introduced by Mr. Grigsby—

A bill for an act authorizing the incorporation of banking associations and for regulating the same,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 186,

A bill for an act to create new school corporations in certain cases,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 189,

A bill for an act reviving and making operative within the counties of Lawrence, Pennington, Custer, Fall River and Butte, the provisions of sections 1098 and 1100 of the Civil Code, entitled "loan of money,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 163,

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Was read the second time and
Referred to the Committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 49,

A bill for an act to enable cities and municipal corporations to lease and maintain systems or parts of systems of waterworks, telegraphic fire signals or fire apparatus,

Was read the third time, and

The question being as to the report of the Committee on Cities and Municipal Corporations that report was adopted, and

The bill was amended accordingly.

Mr. McCumber moved

That the bill be amended by adding to section 3 the following: "Where such charter or law shall have expressly given to such city the power to lease, rent or maintain the property described in this act."

The motion prevailed.

Mr. Collins moved

That the bill be amended by inserting in section 1, after the words "empowered to" the words "purchase, erect."

The motion prevailed.

Mr. Washabaugh moved

That section 2 be amended by adding after the word "corporation" where it first appears in said section the following words, to-wit: "or by the board of county commissioners of any county," also by adding after the word "city" where it last appears in said section the following words, to-wit: "municipal corporation or board of county commissioners."

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes. 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Foster, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Galloway, Harstad, Smith, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Ericson, Sheldon of Day, Sheldon of Hand.

So the bill passed and

The question being as to its title,

Mr. Bogert moved

That the title be amended by inserting the words "purchase, erect," before the word "lease" therein.

The motion prevailed, and

The title as amended was then agreed to.

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the Territorial militia at Territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the third time.

Mr. Campbell moved

That the bill be amended as recommended by the Committee on Military Affairs.

The motion prevailed, and

The question then being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 2; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Washabaugh.

Absent and not voting:

Messrs. Cain, Collins, Ericson, Sheldon of Day.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

Mr. Grigsby moved
That Council Bills No. 117 and No. 132 be recommitted
to the Committee on Cities and Municipal Corporations.
The motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 171,
A bill for an act legalizing a certain election held in
Sioux Falls and for other purposes,
Was read the first time.

House Bill No. 42,
A bill for an act authorizing the division of counties and
for other purposes,
Was read the first time.

House Bill No. 135,
A bill for an act to amend section 77 of chapter 112,
Laws of 1883, relating to the town board of auditors,
Was read the first time.

House Bill No. 144,
A memorial asking Congress for measures to protect the
public school lands,
Was read the first time.

House Bill No. 148,
A bill for an act to amend section 2 of chapter 77 of the
General Laws of 1881,
Was read the first time.

Mr. Grigsby moved
That the rules be suspended and the bills be read
the second time and referred to the appropriate commit-
tees.

The motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 171,
A bill for an act legalizing a certain election held in
Sioux Falls, and for other purposes,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill, No. 42,
A bill for an act authorizing the division of counties, and
for other purposes,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112
Laws of 1883, relating to the town board of auditors,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 144,

A memorial asking Congress for measures to protect the
public school lands,

Was read the second time and
Referred to the Committee on Federal Relations.

House Bill No. 148,

A bill for an act to amend section 2 of chapter 77 of the
General Laws of 1881,

Was read the second time and
Referred to the Committee on Judiciary.

Mr. Hughes moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-THIRD DAY.

BISMARCK, February 12, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names, except Messrs. Bogert and Ericson, who were excused.

The Journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted :

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 22.

Report the same back with the recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT :

Your Committee on Revenue to whom was referred
Council Bill No. 188,

Report the same back with recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

The undersigned of the committee to whom was referred

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline, manufactured from petroleum and coal oils,

Is reluctantly constrained to disagree with the majority of the committee and to respectfully report, that in his opinion this bill or one of similar import should be passed by this Legislative Assembly.

He apprehends that the class of merchandise, the sale of which it is proposed to regulate, is shipped into, handled and sold, in precisely the same manner as in the states and from the very fact that nearly all if not every one of the states have deemed it prudential for the safety of life and property, to enact rigid laws for the inspection of these explosive oils, it would seem the part of wisdom not to dismiss this subject without a careful consideration of the necessities that may exist for such an enactment in this Territory, which if done it is believed would result in adopting the proposed measure.

Until within the last three or four years this class of oils were shipped into the Territory in small lots from distributing points in the neighboring states of Minnesota and Iowa, where they were inspected and branded by the officials of those states, but now it is usually shipped in tank cars of fifty barrels each, directly from the eastern refineries to distributing points in Dakota, where it is drawn off into barrels and put on the market for sale.

In the states the inspection is mostly done at these distributing points, but in Dakota, where no inspection is had, the oils are usually drawn into barrels that have been previously used, and without destroying the old brands and marks. Therefore unless some regulation is provided there does not appear to be any limit to the opportunities for committing gross and careless frauds upon the merchants and consumers of Dakota, both in quantity and quality of these oils.

The inspector in one of our neighboring states has stated that oils which will not stand the test required by the laws of that state are not drawn off, but are sent on to places where no inspection law exists, or where the test is lower. To quote from him: "Thousands and thousands of barrels of inferior stuff is sent to Dakota," thus making this Territory a sort of dumping ground for the refuse stuff of the Standard Oil company.

The frequent explosion of lamps in this Territory is unquestionably to be accounted from the use of such oils.

The objections which have been urged against the inspection laws of a neighboring state is not that an abandonment of inspection is seriously contemplated, but the fees paid to the officer have so largely increased within a few years that it has become more than a "reasonable compensation," hence a desire to reduce them.

The undersigned submit the following proposed amendments to the bill:

Having reference to the printed bill—at the end of the first section strike out the words "by a man appointed," and insert in lieu thereof "by granting a commission which shall expire at the end of the next session of the legislative council." In line sixteen, section 3, strike out the word "forty," and insert in lieu thereof the word "twenty," and in line seventeen, after the word "marking" at the beginning of the line, strike out the words "a single" and insert the word "each," and strike out after the word "package" the remainder of line seventeen, all of eighteen and nineteen and the word "ten" at the beginning of line twenty, also the words "at one time" after the word "submitted" in line twenty.

In section 4, line 5, after the word "refinery," insert "or other place where the same is compounded or is drawn off from the tank cars;" and in lines 7 and 8, after the word "gasoline" in line 7, strike out the words "whether manufactured in the Territory or not."

In section 8, line 8, strike out the words "and mileage" after the word "fees."

With these amendments, the undersigned respectfully recommends that the same do pass.

E. W. FOSTER,
Chairman.

MR. PRESIDENT:

Your committee to which was referred
House Bill No. 17,

Beg leave to report that they have had the same under consideration, and recommend that said bill be amended by striking out the word "he" in line 14 of section 1, and substituting therefor the words "such sheriff," and that when so amended the bill be passed.

ALEX. HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred
Council Bill No. 171,

Report that they have had the same under consideration, and recommend that it be passed.

ALEXANDER HUGHES,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 199,

Introduced by Mr. Mead (by request)—

A bill for an act defining some of the duties of registers of deeds, and repealing chapter 1 of the laws of 1881 relating to the duties of the registers of deeds in making abstracts of title of land,

Was read the first time.

Council Bill No. 200,

Introduced by Mr. Campbell (by request)—

A bill for an act supplementary to chapter 28 of the Political Code, entitled Revenue, relating to personal property taxes,

Was read the first time.

Council Bill No. 201,

Introduced by Mr. Campbell (by request)—

A bill for an act to repeal section 16 of chapter 39 of the Political Code as amended by section 3 of chapter 20 of the Laws of 1879, entitled "Compensation of Public Officers,"

Was read the first time.

Council Bill No. 202,

Introduced by Mr. Campbell (by request)—

A bill for an act requiring the county treasurer in each of the counties to make, at the request of any person, a statement of the taxes due upon any tract of land or town or city lot, and of the personal property taxes due from any person, and fixing the treasurer's fees for making the same,

Was read the first time.

Council Bill No. 203,

Introduced by Mr. Dodge (by request)—

A bill for an act to amend section 7 of chapter 21 of the Political Code,

Was read the first time.

SECOND READING OF COUNCIL BILLS

Council Bill No. 190,

A bill for an act to repeal section 2 of chapter 41 of the

Political Code and to amend chapter 63 of the Session Laws of 1883, relating to the protection of game,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 191,

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth judicial district and the time of holding court therein,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 192,

A bill for an act entitled an act amending chapter 26 of the Political Code of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 193,

A bill for an act to amend chapter 112 of the laws of 1883, entitled Township Government,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 194,

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial normal school at Springfield, D. T.,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 195,

A joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 196,

A bill for an act to create a new subdivision of the Sixth judicial district,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 197,

A bill for an act to amend section 26 of chapter 39 of the Political Code, entitled compensation of public officers,

Was read the second time and

Referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 12, 1887. }

MR. PRESIDENT :

I have the honor to transmit herewith
Council Bill No. 47,

A bill for an act making it the duty of county treasurers
to certify to abstracts of title to real estate when requested,
and providing compensation for the same,

Council Bill No. 155,

A bill for an act to place the inmates of insane asylums
under the protection of the laws, by securing to them their
postal rights,

Which have passed the House without change.

Also,

House Bill No. 112,

A bill for an act to provide for the cancellation and for-
feiture of insurance policies,

House Bill No. 149,

A bill for an act to amend an act entitled an act defin-
ing the boundaries of Nelson county,

House Bill No. 179,

A bill for an act providing for the payment of John P.
Hoagland for repairing the hall of the House of Repre-
sentatives,

And

Substitute House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating
liquors by local option,

Which the House has passed, and your favorable con-
sideration of the same is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 12, 1887. }

MR. PRESIDENT;

I have the honor to transmit herewith
House Joint Resolution No. 193,

A bill for an act for the appointment of certain com-

mittees to visit the insane asylums and penal institutions of Dakota,

Which has been passed by the House, and your concurrence thereto is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 11, 1887. }

MR. PRESIDENT:

I have the honor to inform you that the House has concurred in the Council amendments to House Bills Nos. 13 and 26.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,
House Bill No. 146,

A bill for an act to provide funds for the construction and furnishing of a dormitory for the university of North Dakota at Grand Forks, Dakota, and for other purposes,

Which the House has unanimously passed and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency, the Acting Governor:

EXECUTIVE OFFICE, }
BISMARCK, February 12, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885.

Council Bill No. 96.

A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota.

Council Bill No. 128,

A bill for an act to amend the name of the Moravian society of township 139, range 52 west.

M. L. McCORMACK,
Acting Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 127,

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,

Was read the third time.

Mr. Smith moved

That the bill be amended as recommended by the Committee on Territorial Affairs.

The motion prevailed.

Mr. Martin moved

That the bill be amended by including among the animals named therein foxes, and providing for the payment of a bounty of \$2 each for their destruction.

The motion prevailed and

The question then being shall the bill pass and

The roll being called there were ayes. 17; nays, 4; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Foster, Galloway, Sheldon of Day, Washaugh.

Absent and not voting:

Messrs. Bogert, Dodge, Ericson.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 182,

A bill for act to amend section 93 of the Code of Civil Procedure,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were, ayes, 9; nays, 9; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Donovan, Galloway, Harstad, McCumber, Smith, Weiser, Wells.

Those who voted in the negative were:

Messrs. Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Dodge, Ericson, Foster.

So the bill was lost.

Council Bill No. 173,

A bill for an act creating and defining a subdivision of the Second judicial district,

Was read the third time.

Mr. Mead moved

That the bill be amended in accordance with the recommendations of the Committee on Judiciary.

The motion prevailed and

The question then being shall the bill pass and

The roll being called, there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Foster.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 154,

A bill for an act to declare and protect the legal and personal identity of married women,

Was read the third time, and

The question then being shall the bill pass and

The roll being called there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were :

Messrs. Allin, Cain, Campbell, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day,

Sheldon of Hand, Smith, Washabaugh, Weiser, Wells,
Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Ericson, Grigsby.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 151,

A bill for an act to amend section 2 of chapter 28 of the
Political Code, exempting building and loan associations
and the stock therein from taxation,

Was read the third time.

Mr. Dodge moved

That the further consideration of the bill be postponed
until Wednesday next.

The motion was lost.

Mr. Campbell moved

That the bill be amended by inserting after the word
“under,” in line four, the following: “Chapter 34, Laws of
1885,” and by striking out the word “laws” in line five, also
the word “the,” being the last word in line four, printed
bill.

The motion prevailed.

Mr. Hughes moved

That the bill be amended as follows: Add to section 1
the following: “And the property of all persons engaged
in farming shall also be exempt from taxation.”

The motion was lost.

Mr. Smith moved

That the bill be amended by adding after the word “that,”
in line four, the words “the shares of capital stock of”——
and by striking out of line five of said section the words
“and the stock thereof.”

The motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 9; nays, 10;
not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Foster,
Grigsby, Martin, Mr. President.

Those who voted in the negative were:

Messrs. Galloway, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Dodge, Ericson, Smith, Washabaugh.

So the bill was lost.

Council Bill No. 165.

A memorial to congress asking for the appointment of a commission to select school lands,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Ericson, Galloway, Sheldon of Day, Sheldon of Hand.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 113,

A bill for an act to submit to the legal voters of the Territory of Dakota, the question of the division of the Territory,

Was read the third time.

Mr. Cain moved—

That the report of the majority of the Committee on Federal Affairs be adopted.

The motion prevailed and

The bill was amended accordingly.

Mr. Hughes moved

To amend line 2 of section 2, by striking out the words "For division," and inserting in lieu thereof "For the Andover doctrine," and strike out the words "Against division," and insert "Against the Andover doctrine."

The motion was lost.

Mr. Hughes moved

Inasmuch as the preamble of this bill recites that the

measure is in the interest of harmony and good will among all sections of Dakota,

Be it further enacted that at the same election the question of the division of the Territory on the Missouri river be voted upon.

The ballots for this purpose may be written or printed as follows:

For division on the seventh standard parallel,

Against division on the seventh standard parallel.

For division on the Missouri river.

Against division on the Missouri river.

For division on Apple Creek.

Against division on Apple Creek.

For division on general principles.

Against division on general principles.

Mr. Galloway asked a division of the question and

The question being divided and the propositions being severally put,

The motion was lost.

Mr. Lawler moved

The previous question, and the ayes and nays being required, and

The roll being called, there were ayes, 9; nays, 13; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Galloway, Harstad, Hughes, Lawler, McCumber.

Those who voted in the negative were:

Messrs. Cain, Collins, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Ericson.

So the motion was lost.

Mr. McCumber moved

That section 1 be amended by adding thereto the words "and Missouri river," and

The ayes and nays being required, and

The roll being called, there were, ayes, 6; nays, 16; not voting, 2.

Those who voted in the affirmative were:

Messrs. Dodge, Galloway, Harstad, Hughes, Lawler, McCumber.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Ericson.

So the motion was lost.

Mr. Collins moved

That the bill be amended by inserting after the words in section 1 "held on," the words "the first," and after the words "before the" insert the words "after the first Monday of November," and strike out the words "last Saturday of June."

Mr. Grigsby moved

That the Council adjourn, and

The ayes and nays being required, and

The roll being called, there were ayes, 14; nays, 8; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Weiser.

Those who voted in the negative were:

Messrs. Cain, Foster, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Ericson.

So the motion prevailed and

Mr Sheldon of Day in the chair announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-FIFTH DAY.

BISMARCK, February 14, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names, except Messrs. Allin, Bogert and Ericson, who were excused.

The Journal of Saturday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Grigsby moved

That the rules be suspended and that House Bill No. 15 be read the third time and put upon its final passage,

The motion prevailed, and

House Bill No. 15,

A bill for an act to amend chapter 78 of the General Laws of 1885,

Was read the third time.

Mr. Hughes moved

That the bill be amended in accordance with the recommendations of the report of the Judiciary Committee, submitted the 11th inst.

The motion prevailed and

The question being shall the bill pass, and

The roll being called there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Foster.

Absent and not voting:

Messrs. Allin, Bogert, Ericson.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Hughes moved

That the rules be suspended and that House Bill No. 171 be read a third time and put on its passage.

The motion prevailed and

House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Allin, Bogert, Ericson.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Smith offered the following resolution and moved its adoption.

Resolved, That House Bill No. 81, entitled a bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the district and circuit courts of the United States, be and the same is hereby recalled from the Judiciary Committee, and the chairman of said committee is directed to return said bill to this Council at once, either with or without recommendation, as the committee may deem best.

Mr. Hughes moved

that consideration of the resolution be indefinitely postponed, and

The ayes and nays being required and

The roll being called, there were ayes, 8; nays, 11; not voting, 5.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Galloway, Harstad, Lawler, McCumber, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Mr. Allin.

Mr. Donovan being paired with Mr. Bogert and Mr. Hughes with Mr. Ericson.

So the motion was lost.

Mr. McCumber moved

A call of the House, which being seconded and

The roll being called, there were present:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Messrs. Allin, Bogert and Ericson being excused.

Absent without leave, none.

Mr. Cain moved

That further proceedings under the call be dispensed with.

The motion prevailed.

Mr. Washabaugh moved the previous question, and

The ayes and nays being required and

The roll being called there were ayes, 11; nays, 8; not voting and paired, 5.

Those who voted in the affirmative were:

Messrs. Cain, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Galloway, Harstad, Lawler, McCumber, Mr. President.

Absent and not voting:

Mr. Allin.

Messrs. Bogert, Donovan, Ericson and Hughes being paired.

So the previous question was ordered.

Mr. McCumber moved

That the resolution be so amended as to require the committee to report after Thursday next.

Mr. Washabaugh raised the point of order that as the previous question had been ordered, the motion was not in order.

The president ruled that rule 24, taken in connection with rule 29, was not in conflict with the rules of Cushing's Manual, and that the point was well taken.

From the decision Mr. McCumber appealed to the Council, and

The question being shall the president be sustained, and

The roll being called there were ayes, 11; nays, 8; not voting, 5.

Those who voted in the affirmative were:

Messrs. Cain, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Galloway, Harstad, Hughes, Lawler, McCumber.

Absent and not voting:

Mr. Allin.

Messrs. Bogert, Donovan, Ericson and Mr. President being paired.

So the decision of the president was sustained.

Mr. McCumber moved

That the resolution be referred to the Committee on Judiciary.

Mr. Washabaugh made the point of order that that motion was not in order as the previous question had been ordered.

The president sustained the point of order and

The question being shall the resolution be adopted and

The ayes and nays being required and

The roll being called there were ayes, 10; nays, 9; not voting, 5.

Those who voted in the affirmative were:

Messrs. Cain, Foster, Grigsby, Mead, Sheldon of Day,
Sheldon of Hand, Smith, Washabangh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Galloway, Harstad,
Lawler, Martin, McCumber, Mr. President.

Absent and not voting:

Mr. Allin.

Messrs. Bogert, Donovan, Ericson and Hughes being
paired.

So the resolution was adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, {
February 14, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,
Council Bill No. 46,

A bill for an act to provide for the issuing of duplicates
of bonds or coupons lost or destroyed,

Also,

Council Bill No. 28,

A bill for an act to appropriate for the support of fire
departments, etc.,

Which have passed the House without change.

Also,

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws
of 1885, relating to county mutual insurance companies,

Which the House has amended as follows, and your con-
currence therein is requested:

The words "to the probate judge," in line eight of section
7, be stricken out.

Also, strike out all of section 10 after the word "claim-
ant," in the ninth line, and insert instead thereof "shall
choose a disinterested party, and the company shall choose
a disinterested party, who shall constitute a board of arbi-
tration to settle such loss, and in case these parties cannot
agree, they shall choose a third party to act with them,
and said board of arbitration shall have power to examine
witnesses and determine all matters in dispute, and the de-
cision of said board shall be final."

Also, insert after the word "Tuesday," in the third line of section 15, the words "after the first Monday."

Very respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 14, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 57,

A bill for an act providing for the locating, establishing
and building of a soldiers' home and providing funds for
the same,

Which the House has passed and your concurrence there-
in is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The House having returned Council Bill No. 137, with
certain amendments thereto,

Mr. McCumber moved

That the Council concur in the amendments.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 204,

Introduced by Mr. Cain—

A joint resolution relative to a division of the Territory
and the admission of each half into the Union,

Was read the first time,

Council Bill No. 205,

Introduced by Mr. Grigsby, by request—

A bill for an act to amend section 1 of chapter 33 of
laws of 1881,

Was read the first time.

Council Bill No. 206,

Introduced by Mr. Grigsby, by request—

A bill for an act to amend section 413 of the Code of Civil
Procedure, and chapter 1 of the Session Laws of 1879, re-
lating to appeals to supreme court,

Was read the first time.

Council Bill No. 207,
 Introduced by Mr. Sheldon of Day—

A bill for an act to amend section 378 of chapter 15 of the Code of Civil Procedure, entitled "Of the costs and disbursements in civil actions,"

Was read the first time.

Council Bill No. 208,
 Introduced by Mr. McCumber,

A bill for an act to amend section 407, article 3, chapter 3 of the Civil Code, relating to corporations,

Was read the first time.

Council Bill No. 209,
 Introduced by Mr. Lawler,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota reform school at Plankington, Dakota, and for other purposes,

Was read the first time.

Council Bill No. 210,
 Introduced by Mr. Lawler,

A bill for an act to change county seats that are located away from railway stations to towns on railroads, by a majority vote,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 185,

A bill for an act to repeal sections 1, 2, 3 and 4 of chapter 60 of the Session Laws of 1883, entitled an act to stock with food fishes the waters of Dakota and to protect the same, and for other purposes, and to enact in lieu thereof the following: An act for the appointment of a game and fish commissioner and for the stocking and maintaining fish hatcheries, and for the protection of fish in Dakota streams,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 198,

A bill for an act authorizing the incorporation of banking associations and for regulating the same,

Was read the second time and

Referred to the Committee on Banking.

Council Bill No. 199,

A bill for an act defining some of the duties of registers

of deeds, and repealing chapter 1 of the laws of 1881 relating to the duties of the register of deeds in making abstracts of title of land,

Was read the second time and
Referred to the Committee on Counties.

Council Bill No, 201,

A bill for an act to repeal section 16 of chapter 39 of the Political Code as amended by section 3 of chapter 20 of the Laws of 1879, entitled "Compensation of Public Officers,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 202,

A bill for an act requiring the county treasurer in each of the counties to make, at the request of any person, a statement of the taxes due upon any tract of land or town or city lot, and of the personal property taxes due from any person, and fixing the treasurer's fees for making the same,

Was read the second time and
Referred to the Committee on Judiciary.

Mr. Dodge moved

That the rules be suspended and that House Bill No. 193 be given its several readings and be put upon its passage.

The motion prevailed, and
House Bill No. 193,

A joint resolution for the appointment of certain committees to visit the insane asylums and penal institutions of Dakota,

Was read three several times and

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Galloway, Harstad, Lawler, Martin, Mead, Sheldon of Hand, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Foster, McCumber, Sheldon of Day, Wells.

Absent and not voting:

Messrs. Allin, Bogert, Ericson, Grigsby, Hughes, Smith.
So the bill passed and
The question being as to its title and being put
Its title was agreed to.

THIRD READING OF COUNCIL BILLS.

The question being on the adoption of the amendment
offered by Mr. Collins to
Council Bill, No. 113,

A bill for an act to submit to the legal voters of the
Territory of Dakota the question of the division of the
Territory,

Mr. Galloway moved—

That the motion to amend be amended by adding thereto
the words "and by striking out 1887 and inserting in lieu
thereof 1888."

The motion prevailed.

Mr. Washabaugh moved

That the further consideration of the bill, with the pro-
posed amendment, be postponed until the 21st inst.

The motion prevailed.

Council Bill No. 164,

A bill for an act to protect large game and quails in the
Territory of Dakota,

Was read the third time.

Mr. McCumber moved

That the words "twenty-five," in section 4, be stricken
out and the word "ten" be inserted in lieu thereof.

The motion prevailed, and

The question then being shall the bill pass and

The roll being called there were ayes, 15; nays, 6; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Foster, Galloway, Grigs-
by, Hughes, Lawler, Mead, Sheldon of Hand, Smith, Wash-
abaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Harstad, Martin, McCumber,
Sheldon of Day.

Absent and not voting:

Messrs. Allin, Bogert, Ericson

So the bill passed, and
The question being as to its title, and being put
Its title was agreed to.

Mr. Washabaugh moved that
Council Bill No. 150,

A bill for an act to amend sections 2, 3, 4, 5, 8 and 9 of
chapter 34 of the Laws of 1885 entitled an act to provide
for the incorporation and regulation of building and loan
associations,

Be referred to the Committee on Banking as recom-
mended by the Committee on Judiciary.

The motion prevailed.

Council Bill No. 78,

A bill for an act to provide for the inspection of illumi-
nating oils and gasoline, manufactured from petroleum or
coal oils,

Was read the third time.

Mr. Hughes moved

That the recommendations of the minority of the com-
mittee be adopted.

The motion prevailed.

Mr. Hughes moved

That the bill be made a special order for to-morrow at
3 o'clock.

The motion prevailed.

Council Bill No. 4,

A bill for an act providing the mode for listing, assessing
and the levy and collection of taxes and for other purposes,

Was read the third time.

Mr. Galloway moved

That the bill and report of the committee thereon be
made a special order for Wednesday next at 10:30 a. m.

The motion prevailed.

Mr. Campbell moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-SIXTH DAY.

BISMARCK, February 15, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called, and the members all responded to their names except Messrs. Allin, Bogert and Ericson, who were excused.

Mr. Hughes moved that reading of the journal be postponed until to-morrow.

The motion prevailed.

The following petitions were presented and referred to the Committee on Appropriations:

FORT MEAD, D. T., 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of N. G. Sturgis Post, No. 47, Department of Dakota, Grand Army of the Republic, it was resolved: That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

I. W. HARPER, Commander.

Attest: HARVEY FIELDS, Adjutant.

CLEAR LAKE, DAK., Feb. 5, 1886.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Clear Lake post No. 98, Department of Dakota, Grand Army of the Republic, it was resolved: That we endorse the movement now being made

in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

B. C. ROTH,
Commander.

Attest: J. A. WALLACE, Adjutant.

BROOKINGS, Dak., Feb. 9, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of the Robert A. McCook Post, No. 74, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a soldiers' and sailors' home in the Territory of Dakota, and we would most respectfully urge the passage of Council bill No. 63, now pending before your honorable body.

V. W. NORTON,
Comander.

Attest: A. H. WELLSMEN,
Adjutant.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. PRESIDENT :

Your Committee on Engrossed and Enrolled Bills report that they have examined
Council Bills Nos. 46 and 155,
And find them properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
Council Bill No. 135,
Respectfully return the same without recommendation.

W. F. COLLINS,
Chairman.

MR. PRESIDENT:

Your Committee on Education to whom was referred
Council Bill No. 186,

Have had the same under consideration and recommend that it do not pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred House Bill No. 42, House Bill No. 135 and House Bill No. 7,

Have had the same under consideration and recommend that

House Bill No. 42 and House Bill No. 135 do pass, and that

House Bill No. 7 do not pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House Bill No. 81,

Report the same back without recommendation.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your committee to whom Council Bill No. 195

Was referred, the same being a joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Beg leave to report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

Mr. Collins moved

That the rules be suspended, and that Council Bill No. 135 be read a third time and put on its passage.

The motion prevailed, and Council Bill No. 135,

A bill for an act to regulate transportation and handling of grain.

Was read the third time.

Mr. Dodge moved the previous question,

Which motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 9; nays, 11; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Foster, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Galloway, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Mr. President.

Absent and not voting:

Mr. Grigsby.

Messrs. Allin, Bogert and Ericson being excused.

So the bill was lost.

Mr. Lawler moved

That the vote by which the bill was lost be reconsidered, and that the motion to reconsider lie on the table.

The latter motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 203,

A bill for an act to amend section 7 of chapter 21 of the Political Code,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 200,

A bill for an act supplementary to chapter 28 of the Political Code, entitled Revenue, relative to personal property taxes,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 205,

A bill for an act to amend section 1 of chapter 33 of the Laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 204,

A bill for joint resolution relative to a division of the Territory and the admission of each half into the Union,

Was read the second time and

Referred to the Committee on Federal Relations.

Council Bill No. 207,

A bill for an act to amend section 378, of chapter 15, of

the Code of Civil Procedure, entitled "of the costs and disbursements in civil actions,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 206,

A bill for an act to amend section 413 of the Code of Civil Procedure, and chapter 1 of the Session Laws of 1879, relating to appeals to the supreme court,

Was read the second time, and
Referred to the Committee on Judiciary.

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary building for the Dakota Reform school, at Plankinton, Dakota, and for other purposes,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 208,

A bill for an act to amend section 407, article 3, chapter 3, of the Civil Code, relating to corporations,

Was read the second time and
Referred to the Committee on Incorporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 78.

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oils.

Was read the third time.

Mr. Sheldon moved

That the word "ten" in sections 2 and 7 be stricken out, and the word "thirty" inserted in lieu thereof

The motion prevailed.

Mr. Hughes moved

That the bill be amended by striking out in section 2 the following: "and he shall appoint one such deputy for each and every such county upon application to him to that end."

The motion prevailed.

Mr. McCumber moved

That the bill be recommitted to the Committee on Territorial Affairs with instructions to report the bill with such amendments as will make the inspection apply only

to cases where the oil and gasoline is not already inspected.

The motion was lost.

The question then being shall the bill pass and

The roll being called there were:

Ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Foster, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Galloway, Harstad, Lawler, McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Donovan, Ericson, Grigsby, Washabaugh.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

Was read the third time.

Mr. Ericson moved

That the bill be amended by inserting the words "any of" before the words "the building fund" in section 1.

The motion prevailed.

Mr. Martin moved

That the bill be amended by adding to section 1 the following: "To the state normal school at Madison the sum of four hundred and thirty-five dollars and twenty cents."

The motion prevailed, and

The question then being shall the bill pass, and

The roll being called, there were ayes, 17; nays, 1; not voting, 6.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Grigsby, Smith, Weiser.
 So the bill passed, and
 The question being as to its title, and being put
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 February 12, 1887. }

MR. PRESIDENT :

I have the honor to transmit herewith
 House Bill No. 158,

A bill for an act to amend section 2 of chapter 57 of the
 Session Laws of 1883,
 House Bill No. 163,

Joint resolution and memorial praying for the passage
 by Congress of a national law for the extermination of con-
 tagious pleuro-pneumonia among cattle in the United
 States,

House Bill No. 164.

Joint Resolution and memorial praying congress to ap-
 propriate moneys for the improvement of the Big Sioux
 river, and,

House Bill No. 168.

A bill for an act to amend section 290 of chapter 21 of
 the Penal Code of Dakota Territory.

Which the House have passed, and your favorable con-
 sideration of the same is requested.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

Mr Campbell moved,

That the rules be suspended and that all House bills on
 their first reading this day be read a first and second time
 and referred to appropriate committees.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating
 liquors by local option,

Was read the first and second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 57,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home and providing funds for the same,

Was read the first and second time, and

Referred to the Committee on Appropriations.

House Bill No. 112,

A bill for an act to provide for the cancellation and forfeiture of insurance policies,

Was read the first and second time and

Referred to the Committee on Insurance.

House Bill No. 146,

A bill for an act to provide funds for the construction, and furnishing of a dormitory and president's residence for the university of North Dakota at Grand Forks, Dakota, and for other purposes,

Was read the first and second time and

Referred to the Committee on Appropriations.

House Bill No. 149,

A bill for an act to amend an act entitled an act defining the boundaries of Nelson county,

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 158,

A bill for an act to amend section 2 of chapter 57 of the Session Laws of 1883,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 163,

A joint resolution and memorial praying for the passage by congress of a national law for the extermination of contagious pleuro-pneumonia among cattle in the United States,

Was read the first and second time and

Referred to the Committee on Public Health.

House Bill No. 164,

A joint resolution and memorial praying congress to appropriate moneys for the improvement of the Big Sioux river,

Was read the first and second time and

Referred to the Committee on Federal Relations.

House Bill No. 168,

A bill for an act to amend section 290 of chapter 21 of the Penal Code of Dakota Territory,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 179,

A bill for an act providing for the payment of John P. Hoagland for repairing the hall of the House of Representatives,

Was read the first and second time and
Referred to the Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code,

Was read the third time, and

The question then being shall the bill pass, and

The roll being called there were ayes, 10; nays, 7; not voting, 7.

Those who voted in the affirmative were:

Messrs. Campbell, Dodge, Foster, Galloway, Lawler, Martin, Mead, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Hughes, McCumber, Sheldon of Day, Sheldon of Hand, Weiser.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Collins, Donovan, Grigsby, Smith.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following messages were received from his Excellency the Acting Governor:

EXECUTIVE OFFICE, }
February 15, 1887. }

To the President of the Council:

I have the honor to inform the council that I have approved the following bills; viz.:

Council Bill No. 46,

An act to provide for the issuing of duplicates of bonds or coupons lost or destroyed,

Council Bill No. 155,

An act to place the inmates of insane asylums under the protection of the laws, by securing to them their postal rights.

M. L. McCORMACK,
Acting Governor.

EXECUTIVE OFFICE, {
BISMARCK, February 15, 1887. }

To the President of the Council:

I have the honor to inform the Council that I herewith return

Council Bill No. 92,

Without my approval. I find in the bill no provision made for cases now pending in court, and under the requirements of the bill, should it become a law, the judges in the various courts might be prohibited from granting a decree, even in cases where considerable expense has been incurred, and the requirements of the existing laws fully complied with. While I need not question the power of the Legislature to extend the period of time within which a resident of the Territory may commence an action for divorce, much as I might question the propriety of the exercise of that power, it seems to me that sufficient grounds exist to warrant me in withholding my approval of this measure:

First. Because it contains no provision repealing the existing law as to when such actions shall be commenced.

Second. It does not on its face assume to preserve the existing rights of persons now entitled to remedy by the action of divorce in the courts of the Territory.

Third. It prescribes not merely the time when the action shall be commenced, but declares the time when the decree shall be granted.

For these reasons I feel it my duty to withhold my sanction of this measure.

M. L. McCORMACK,
Acting Governor.

The matter of the veto by his Excellency of "an act entitled an act to amend section 67 of the Civil Code" was considered.

Mr. Ericson moved

That the question of its passage, the objections of the governor to the contrary notwithstanding, be made a special order for 3 o'clock to-morrow.

Mr. McCumber made the point of order that under the provisions of the organic law the question must be considered at once.

The president decided that the point of order was well taken.

Mr. Ericson moved

That the matter be referred to the Committee on Judiciary.

Mr. Dodge made the point of order last made, as objection to the motion.

The president decided that the point of order was well taken.

The question being shall the bill be passed, the objections of the Governor to the contrary notwithstanding, and

The roll being called, there were, ayes, 3; nays, 17; not voting, 4.

Those who voted in the affirmative were:

Messrs. Ericson, Foster, Harstad.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Galloway, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Grigsby.

So the bill was lost.

Mr. McCumber moved that

House Bill No. 43,

A bill for an act to amend an act entitled "An act to amend an act to create the office of district attorney, etc., being chapter 45 of the General Laws of 1885," be referred to the Committee on Judiciary.

The motion prevailed.

House Bill No. 78,

A bill for an act to establish and define the boundaries of Morton county,

Was read the third time, and

The question being shall the bill pass, and

The roll being called there were:

Ayes, 20; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Grigsby.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 17,

A bill for an act entitled an act to amend section 328 of the Code of Civil Procedure,

Was read the third time.

Mr. Foster moved

That the bill be amended in accordance with the recommendation of the Judiciary Committee.

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 1; nays, 18; not voting, 5.

Those who voted in the affirmative were:

Mr. Harstad.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Grigsby, Hughes.

So the bill was lost.

House Bill No. 22,

A bill for an act to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof, approved March 13, 1885,

Was read the third time and

The question being shall the bill pass, and

The roll being called there were ayes, 15; nays, 1; not voting, 8.

Those voting in the affirmative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Fos-

ter, Galloway, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Those voting in the negative were,

Mr. Wells.

Not voting and absent,

Messrs. Allin, Bogert, Cain, Grigsby, Hughes, Smith, Washabaugh, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives,

HOUSE OF REPRESENTATIVES, }
February 15, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 154,

A bill for an act to declare and protect the legal and personal identity of married women,

Which the House has passed without change.

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled township government,

Which has passed the House with the following amendments:

Amend title, first, by inserting after figure 74 the words "of sub-chapter number one;" second, strike out the word "session" and insert the word "general;" also insert in section 1, after the figures 74, the words "of sub-chapter number one." Your concurrence in said amendments is requested.

Also,

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Which has passed the House, and your favorable consideration thereof is requested.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Mead, from the Committee on Engrossed and Enrolled Bills reported:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that they have delivered

Council Bills Nos. 46 and 155.

To his Excellency, Governor McCormack, February 15, A. D. 1887. at 3 p. m.

C. D. MEAD,
Chairman.

Mr. Galloway moved

That when the Council adjourn it be to meet at 10:30 o'clock to-morrow.

The motion prevailed.

The president announced as the member on the part of the Council of the committee to visit the charitable and penal institutions of the Territory, Mr. C. H. Sheldon, and as additional members to visit the institutions at Jamestown and Bismarck, Messrs. Grigsby, Harstad and Donovan.

Mr. Campbell moved

That the Council adjourn.

The motion prevailed and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-SEVENTH DAY.

BISMARCK, February 16, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called, and the members all responded to their names except Messrs. Allin and Bogert, who were excused.

The Journals of Monday's and Tuesday's session were read and approved.

The hour for the consideration of the special order having come,

Mr. McCumber moved

That the Council go into session as a committee of the whole for the consideration of

Council Bill No. 4,

A bill for an act prescribing the mode for listing, assessing, and the levy and collection of taxes, and for other purposes.

The motion prevailed, and

The Council went into session as such committee,

Mr. Mead in the chair.

After some time spent therein, the committee arose and

The President in the chair,

Reported progress.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
February 16, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 109,

A bill for an act to permit county commissioners to compromise delinquent taxes,

House Bill No. 122,

A bill for an act to limit the terms of service of any person in certain county offices,

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885,

And

House Bill No. 185,

A bill for an act providing for the payment of jury fees in civil actions in the district court,

Which the House have passed and your consideration is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

Mr. Hughes submitted the following report:

MR. PRESIDENT:

Your Committee on Judiciary report as follows:

That House Bill No. 55 be amended by adding to section 2 the following:

When such warrants are so taken up and paid by the issue of bonds, as herein provided for, such warrants shall be marked "paid by bond No.—" (giving number of bond) and shall be retained by the county treasurer until his settlement with the county commissioners and shall then be carefully compared with the bond register and after such comparison shall be placed in the custody of the county auditor or county clerk and it shall be his duty to preserve the same. The county treasurer shall endorse upon each warrant so taken up and paid the amount of interest allowed thereon.

Strike out the words "and to cancel them when paid," in the last line of section 4 of the written bill and insert in lieu thereof the following: "Out of any funds in his hands applicable thereto, and shall cancel them when paid by writing or stamping across the face of each coupon or bond the words "cancelled by payment this...day of....." (inserting the date of payment.)

Add to section 7 the following:

Notice of such election shall be given in the manner provided by law for conducting special elections, and such notice shall state the amount of bonds to be issued, when payable and the rate of interest they are to bear. The voting shall be done by written or printed ballots and all ballots deposited in favor of issuing bonds shall have thereon the words "For issuing bonds," and those opposed shall have thereon the words "Against issuing bonds;" and if a majority of all votes cast shall be in favor of issuing bonds, the board of county commissioners shall forthwith proceed to issue the bonds in accordance with the vote and the provisions of this act. The election in all other respects shall be conducted in accordance with the law regulating general elections.

With these amendments the committee recommend that the bill be passed.

ALEXANDER HUGHES,
Chairman.

Mr. Weiser reported as follows:

Your Committee on Cities and Municipal Corporations,
to whom was referred

Council Bill No. 112,

A bill for an act entitled an act to provide for the issu-

ance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes.

Have had the same under consideration and instructed me to report the same back with amendments as follows:

Add to section 2, Provided that in all cities and municipal corporations where the charter does not provide the manner of calling and holding an election for the purpose aforesaid a special election shall be called and held as herein provided, or said question may be submitted to any annual election. The city council or board of trustees at any regular meeting thereof may decide to call a special election to vote bonds for any of the purposes stated in section 1 of this act; and they shall give at least fifteen days public notice of such election by at least two publications thereof in a weekly newspaper published in said city, or if there be no such newspaper then by posting said notice in five public places in said city. Said notice shall state the amount and denomination of the bonds to be voted for; the rate of interest thereof, the purpose for which said bonds are to be issued, the form of the ballots to be used and the time and place of holding said election. That the judges clerks shall be appointed and said election shall be conducted as provided by the charter of said city for conducting annual elections and the returns shall be canvassed and in like manner returned.

That section 3 shall read:

SEC. 3. That the bonds voted as provided for in this act shall be sold at not less than par value.

That sections "3" and "4" shall be renumbered "4" and "5" respectively,

And when so amended recommend that said bill as amended be passed.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your committee to whom Council Bills 117 and 132 were referred, would respectfully report that said bill 132 do not pass and that Council Bill 117 be amended by adding to section two (2) thereof the following:

Provided, that any city desiring to avail itself of the provisions of this act shall before making their first tax levy for such purposes submit the question of whether or not, aid shall be given to such public library association to the voters of such city at the annual city election and if

a majority of the voters of such city voting on such question shall be in favor of a tax for such purpose, then the council shall make such levy, otherwise they shall not.

J. S. WEISER,
Chairman.

Mr. Mead reported as follows:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report they find Council Bill, 28 properly enrolled.

C. D. MEAD,
Chairman.

Council Bill No. 211.

Introduced by Mr. McCumber --

A joint resolution providing for the payment of expenses of the joint committee appointed to visit the Territorial charitable and penal institutions.

Was read the first time.

Mr. Dodge moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-EIGHTH DAY.

BISMARCK, February 17, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called, and the members all responded to their names except Messrs. Allin and Bogert, who were excused.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented and referred to the Committee on Federal Affairs:

NATIONAL BOARD OF TRADE. }
BOSTON, MASS., Jan. 25, 1887. }

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At the annual meeting of the National Board of Trade, held in Washington, January 20, 1887, the following resolutions were unanimously adopted:

Whereas, it is proposed to hold at the National capital, in 1892, a World's exposition in honor of the 400th anniversary of the discovery of America by Columbus, which exposition of the antiquities, history, arts and industries of the three Americas is intended to be permanent.

Resolved, That we favor this movement toward more intimate commercial and social relations between the United States and the several sister nations of the three Americas.

Resolved, That this movement commends itself to the support of the merchants and manufacturers of the United States as a matter of great practical importance in promoting friendly international intercourse and in stimulating arts and industries.

Resolved, That in view of the shortness of the time for preparation, steps should be immediately taken by the general government to provide the necessary buildings and carry forward the enterprise.

Resolved, That the secretary of the board be directed to transmit a copy of this paper to the president of the United States and the United States senate and house of representatives, the governor of each state and territory, and to all boards of trade and other commercial organizations throughout the United States.

Very respectfully,

FREDERICK FRALEY, of Philadelphia, President.
HAMILTON A. HILL, of Boston, Secretary.

NATIONAL GRANGE, PATRONS OF HUSBANDRY, }
WASHINGTON, D. C., Jan. 25, 1887. }

To the Honorable, the Legislative Assembly of the Territory of Dakota:

I have the honor to forward to you the following resolu-

tions unanimously adopted at the twentieth session of the National Grange. Patrons of Husbandry, held in the city of Philadelphia from November 10th to 18th, and ask your favorable attention to the same:

WHEREAS, It is proposed to have at the national capital in 1889 an inter-American and inter-republican celebration in honor of the centennial of the constitution of the United States; a world's exposition in 1892, in honor of the 400th anniversary of the discovery of America by Columbus, and thereafter a permanent exposition, or museum, of the antiquities, history, arts and industries of the three Americas.

WHEREAS, It is also proposed to establish at the national capital a permanent exhibit of the resources, arts and industries of the forty-six states and territories and a building for the display of working models of important American inventions;

Resolved, By the Patrons of Husbandry, in National Grange assembled, that we heartily favor the consummation of this important and patriotic work, and urge all American citizens and legislative bodies to support it in a manner becoming the dignity, greatness and grandeur of the republic.

Resolved, That we specially favor the proposed permanent state and territorial exhibit as a matter of great practical importance to the Patrons of Husbandry of the several states and territories.

Resolved, That the secretary of the National Grange be directed to transmit a duly certified copy of these resolutions to the president of the United States, the U. S. senate and house of representatives, and to the governors and legislatures of the several states and territories.

Very respectfully,

JOHN TRIMBLE,
Secretary National Grange.

The following petitions were referred to the Committee on Territorial Affairs:

Memorial from the Farmers' Institute of Spink county:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the farmers and taxpayers assembled at the Farmers' institute held at Redfield Jan. 25 and 26 1887, would

respectfully urge the passage of a law empowering civil townships to issue bonds for the purpose of sinking an artesian well in each congressional township.

Resolved, That we respectfully petition and urge the passage of a law whereby all moneys received by cities, towns and villages for licenses to sell intoxicating liquors, and all fines collected, arising out of the sale of intoxicating liquors, be paid into the county treasury for the benefit of the county in which such cities, towns and villages are situated.

Resolved, that the salaries of county officers should be reduced so that no officer's pay shall exceed \$1,500 per year, with sufficient clerkship whose pay shall be provided for by the county commissioners; all surplus from fees in excess to be turned into the county treasury.

Resolved, that we favor the abolition of the present civil township organization, and that a law be passed allowing counties, by a majority vote, to organize into civil townships of not more than four nor less than two congressional townships, and that county boards be composed of one representative from each township so organized.

Resolved, that we recommend a change in the time of the payment of taxes; taxes be made payable semi-annually, one-half payable the first of December, the balance the first of June; and that the rate of interest on delinquent tax sales be reduced from 30 per cent. to 18 per cent.

Resolved, that we are opposed at present to any reduction in the present exemption laws.

Resolved, that we are in favor of admission and division, but no admission without division.

On motion, the county papers were requested to publish the proceedings of this meeting, or so much thereof as was deemed necessary.

J. D. WAGNER, President.

GEO. W. MOTLEY, Vice President.

C. H. MYERS, Secretary.

To the Honorable the Legislative Assembly of the Territory of Dakota :

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Big Springs, county of Union, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory,

with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th of July, 1887. And thus your petitioners will ever pray.

S. H. KEELER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is East Pierre, county of Hughes, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

W. W. WARNE, et al.

The following petition was presented and referred to the Committee on Appropriations:

STEPHEN A. HURLBURT Post, No. 9, G. A. R.,
ELK POINT, DAK., February 5, 1887.

Be it Resolved, That we as a Post see no immediate necessity for the establishment of a Soldiers' Home in this Territory. Should we ever be so unfortunate as to be obliged to occupy such an institution, our preference would be to go further south or to the states from which we enlisted.

Attest: B. F. CRUM,
Commander.

The following petition was presented and referred to the Committee on Railroads:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens and tax-payers of Reynolds, Dakota, having confidence in the fidelity of Councillor Collins as a friend of the agricultural interests of Dakota, and believing that his Council Bill No. 6 is thor-

oughly digested and practically what the people need in the premises, do hereby earnestly pray for the immediate enactment of the same into law, and we will ever pray.

THOMAS JOHNSTON, et al.

Petitions from Pembina, Hand and Yankton counties praying for the passage of a bill granting to women the right of suffrage, were presented and referred to the Committee on Territorial Affairs.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT :

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 47 and 154,
As properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 28, 47 and 154,
Deposited with his Excellency, Acting Governor McCormack, February 17, 1887, at 2:30 p. m.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred Council Bill No. 187,
Report that they have had the same under consideration and recommend that the same be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health to which was referred Council Bills Nos. 20 and 153,
Bills for acts to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

Has had the same under careful consideration and recommend the following amendments to Council Bill No. 20:

SEC. 3. Line two of the printed bill, strike out "four" and insert "two;" strike out "successive" and insert "con-

secutive." Line four, between the words "before" and "the," insert "one or either" and add "s" to the word "board." Line five, strike out "the board" and insert "such boards."

SEC. 4. Strike out whole section and insert section 5 of bill 153, and add "provided all that part of Dakota lying south of the seventh standard parallel shall be held to constitute one pharmaceutical district, and all that part lying north of the same line shall constitute one pharmaceutical district"

SEC. 5. Add "s" to "board", in first line; strike out "its" and insert "their." At the end of line five add "within their respective districts." In line nine strike out "the Dakota" and insert "their respective." Line twenty-two, strike out "three" and insert "two."

Make section 8 of Council Bill No. 153 as a new section, to be numbered 9.

Renumber all the subsequent sections.

SEC. 10. Strike out the word "the" after "of" and before "board," in line one, and insert "each." Add "s" to the word "board" in line four; the same in line seven. Add to line thirteen the words "and approve."

SEC. 13. After the word "poisons" in line 11, add the following: It shall also be the duty of such vendor of poisons, before delivering the same to the purchaser, to cause an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison sold, and the name of the dispenser, such book to be always open for inspection by the proper authorities and to be preserved for reference for at least five years.

And with said amendments, respectfully recommend that the bill do pass.

P. C. DONOVAN,
Chairman.

The House of Representatives having amended Council Bill No. 105 as set forth in their message of yesterday,

Mr. Grigsby moved

That the Council concur therein.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 212,
Introduced by Mr. Cain—

A bill for an act to legalize foreclosure proceedings in certain cases,

Was read the first time.

Council Bill No. 213,

Introduced by Mr. Cain—

A bill for an act respecting the expenditure of road and bridge funds,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 210,

A bill for an act to change county seats that are located away from railway stations to towns on railroads, by a majority vote,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 211,

A joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

Was read the second time.

Mr. McCumber moved

That the rules be suspended and that the bill be read a third time and put on its passage.

The motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 211,

A joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

Was read the third time.

Mr. McCumber presented a substitute and moved its adoption.

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out the words "ten cents per mile for each mile actually and necessarily traveled by the nearest and practicable route in lieu of all other expenses," and insert in lieu thereof the words "their actual traveling and hotel expenses." and

The ayes and nays being required, and

The roll being called there were ayes, 6; nays, 13; not voting, 5.

Those who voted in the affirmative were:

Messrs. Cain, Ericson, Galloway, Martin, Sheldon of Hand, Washabaugh.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Foster, Harstad, Hughes, Lawler, McCumber, Mead, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Donovan, Grigsby, Sheldon of Day.

So the motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Donovan, Grigsby.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Cain moved that

Council Bill No. 186.

A bill for an act to create new school corporations in certain cases, be recommitted to the Committee on Education.

The motion prevailed.

Council Bill No. 195,

A joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly.

Was read the third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 14; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Ericson, Foster, Harstad, Lawyer. Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Dodge, Donovan, Grigsby, Hughes, Washabaugh, Wells.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public library associations,

Was read the third time.

Mr. Campbell moved

That the bill be amended in accordance with the recommendations of report of the Committee on Cities and Municipal Corporations.

The motion prevailed.

Mr. Campbell moved

That the words "on the dollar" be inserted after the word "mill" in line seven of section 1.

The motion prevailed.

Mr. Hughes moved

That the bill be amended by adding to section 2 the following: "The voting shall be by written or printed ballots, and all ballots deposited in favor of the library tax shall have thereon the words 'For library tax,' and those opposed shall have the words 'Against library tax.'"

The motion prevailed.

Mr. McCumber moved

That the bill be amended by striking out the words "mayor of such city or" in line four of section 3, and by striking out the word "thereof" in said line, and inserting in lieu thereof the words "or board of trustees of such city."

The motion was lost.

Mr. Dodge moved

That the bill be amended by inserting after the word "cities" wherever it occurs in the bill, the words "towns or villages."

The motion prevailed.

Mr. Dodge moved

That the bill be amended by inserting after the word "council" wherever it occurs therein, the words "or board of trustees."

The motion prevailed.

The question then being shall the bill pass and

The roll being called, there were ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Donovan, Grigsby.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 132,

A bill for an act entitled an act for the establishment and maintenance of free libraries and reading rooms in certain cities and towns in the Territory of Dakota,

Was read the third time.

Mr. Hughes moved that further consideration of the bill be indefinitely postponed.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives,

HOUSE OF REPRESENTATIVES, }
February 17, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 174,

A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives from justice.

And your concurrence in the same is asked.

I also return herewith

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws,

Also,

Council Bill No. 120,

A joint resolution providing for the compensation of the enrolling and engrossing clerk and the clerk of the Committee on Judiciary.

Which have passed the House without change.

Respectfully,

W. G. EAKINS,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 17, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Which has passed the House with the following amendments:

First. That section 1 of Council Bill No. 69, a bill for an act to amend section 283 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment, be amended by striking out, in section 1 of the bill, the words "the receipt of such warrants," where they occur in said section 1, and insert in lieu thereof the words "making such seizure," and that the following sections be added to the original bill:

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

Your concurrence in said amendments is requested.

Very respectfully,

W. G. EAKINS,

Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, (
 February 17, 1887.)

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 47,

An act making it the duty of county treasurers to certify to abstracts of titles to real estate with reference to taxes effecting property set forth in abstract:

Council Bill No. 154,

An act to declare and protect the legal and personal identity of married women;

Council Bill No. 28,

An act to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by fire insurance companies upon premiums received in any such town, city or village.

M. L. McCORMACK,
Acting Governor.

Mr. Washabaugh moved

That the rules be suspended and that all House bills on their first reading be read the first and second time and referred to appropriate committees.

The motion prevailed.

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Was read the first and second time and

Referred to the Committee on Revenue.

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled "Tree Planting,"

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 122,

A bill for an act to limit the terms of service of any person in certain county offices,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 185,

A bill for an act providing for the payment of jury fees
in civil actions in the district court,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 109,

A bill for an act to permit county commissioners to com-
promise delinquent taxes,

Was read the first and second time and
Referred to the Committee on Revenue.

THIRD READING OF HOUSE BILLS.

Mr. Ericson moved that
House Bill No. 55,

A bill for an act entitled an act authorizing and empow-
ering the organized counties of Dakota to issue and dis-
pose of bonds to provide funds to pay outstanding indebt-
edness, and to provide for the payment of the interest and
principal thereof,

Be recommitted to the Committee on Counties.

The motion prevailed.

House Bill No. 7.

A bill for an act to amend sections 29 and 31 of subchap-
ter 2 of chapter 112 of the Session Laws of 1883,

Was read the third time, and

The question being shall the bill pass, and

The roll being called there were ayes. 13; nays, 7; not
voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Foster, Harstad, Hughes,
Lawler, Sheldon of Day, Sheldon of Hand, Smith, Weiser,
Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Donovan, Ericson, Galloway, Martin,
McCumber, Washabaugh.

Absent and not voting:

Messrs. Allin, Bogert, Grigsby, Mead.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112, Laws of 1883, relating to the town board of auditors,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were, ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Grigsby.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Hughes moved that

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the district and circuit courts of the United States,

Be made a special order for Thursday next at 3 o'clock p. m.

The motion prevailed.

Mr. Mead moved

That the Council adjourn until 10:30 o'clock to-morrow.

The motion prevailed and

The president announced that the Council stood

Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

THIRTY-NINTH DAY.

BISMARCK, February 18, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair.

The roll was called and the members all responded to their names, except Messrs. Allin, Bogert and Grigsby.

The House of Representatives having returned with amendments,

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Mr. Campbell moved,

That the Council concur.

The motion prevailed, and

The question being shall the bill as amended be passed, and

The roll being called there were ayes, 14; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Dodge, Donovan, Ericson, Grigsby, Lawler, Washabaugh, Wells.

So the bill was passed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 212,

A bill for an act to legalize foreclosure proceedings in certain cases,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Was read the second time and

Referred to the Committee on Counties.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 18, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to recede from its amendments to

Council Bill No. 9,

And has appointed as a conference committee to act with a similar committee to be appointed by the Council Messrs. Fellows, Greene and Mentzer.

Respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. McCumber moved

That the following amendments be made to Council Bill No. 4,

A bill for an act prescribing the mode for listing, assessing and the levy and collection of taxes, and for other purposes:

By striking out in lines three and four, section 1, the words "not including that belonging to travelers or visitors, or stock or property in transit through or across the same."

That the word "and" be inserted between the words "moneys" and "credits," and a semicolon inserted after the latter word, in line five, section 1.

That the words "by whomsoever devoted to the public use," in line eight, section 2, be stricken out.

That subdivision 18 of section 2 be stricken out.

That from subdivision 6 of section 3; the words "and whether in this territory or not" be stricken out.

The motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. McCumber moved that

The Council go into session as a committee of the whole for the further consideration of

Council Bill No. 4.

The motion prevailed, and

The Council went into session as such committee.

Mr. McCumber in the chair.

After some time spent therein, the committee arose and

The president in the chair

Reported progress and asked leave to sit again.

An executive communication having been received from His Excellency the Governor,

The room was cleared, the doors closed and the Council passed some time in executive session.

After the doors were opened,

Mr. Smith moved

The adoption of the following as rule No. 40 of the standing rules of the Council:

"All nominations from the executive shall be opened and read immediately in executive session, and shall then be laid over for consideration in executive session on the following day, unless otherwise ordered by a majority of the members present."

The motion prevailed and

The rule was adopted.

Mr. Dodge offered the following resolution and moved its adoption:

Be it Resolved, By the Territorial Council, the House of Representatives concurring, that when this Legislative Assembly adjourn on Saturday, the 19th day of February A. D. 1887, such adjournment be taken to and until Wednesday, February 23, A. D. 1887, at 2 o'clock p. m.,

And

The ayes and nays being called for, and

The roll being called, there were ayes, 8; nays, 9; not voting, 7.

Those who voted in the affirmative were:

Messrs. Dodge, Donovan, Foster, Lawler, Sheldon of Day, Sheldon of Hand, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Campbell, Ericson, Harstad, Martin, McCumber, Smith, Washabaugh, Weiser.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Galloway, Grigsby, Hughes, Mead.

So the motion was lost.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 18, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,
House Bill No. 172,
A bill for an act to define the boundaries of Ward and Renville counties,
Which the House has passed and your favorable consideration thereof is asked.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
February 18, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,
House Bill No. 71,
A bill for an act entitled an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,
Which has passed the House and your favorable consideration is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Ericson moved
That when the Council adjourn it be to meet at 10:30 o'clock to-morrow.
The motion prevailed.

Mr. Dodge moved
That when the Council adjourn to-morrow it be to meet at 2 o'clock p. m. Wednesday next and
The ayes and nays being required and
The roll being called there were ayes, 9; nays, 8; not voting and paired, 7.

Those who voted in the affirmative were:
Messrs. Campbell, Dodge, Foster, Galloway, Hughes, Lawler, Sheldon of Day, Weiser, Mr. President.

Those who voted in the negative were:
Messrs. Donovan, Ericson Harstad, Martin, McCumber,
Sheldon of Hand, Smith, Washabaugh.

Absent and not voting:
Messrs. Allin, Bogert, Cain, Collins, Grigsby, Mead, Wells.
So the motion prevailed.

Mr. Dodge moved
That the Council adjourn.

The motion prevailed and
The president announced that
The Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FORTIETH DAY.

BISMARCK, February 19, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called, and the members all responded to their names except Messrs. Allin, Bogert and Grigsby..

The Journals of Thursday and yesterday were read and approved.

Mr. Smith moved that the Council now go into executive session.

The motion prevailed.

The chamber was cleared, the doors closed and the Council passed some time in executive session.

After the doors were opened

The following petitions were presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Mercer, county of Mercer, do most respectfully and earnestly petition your hon-

orable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

AL. J. MOORE, et al.

The following petition was presented and referred to the Committee on Railroads.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: We, the undersigned, farmers and business men, would respectfully petition your honorable body to pass Council bill No. 6, commonly known as the "Collins bill," and make it a law this winter. Especially do we recommend you to extend the powers of the railroad commissioners to enable them to enforce their recommendations. Railroad discrimination and extortion is the question of the hour in this Territory, and we earnestly pray your honorable body will not be deaf to the earnest wishes and heartfelt desires of the entire people. There is no phase of legislation by which you can confer so great a blessing on your constituents as by relieving them of the unjust discrimination and exorbitant rates charged by railroads, and we hope your honorable body will not neglect improving your great opportunities. And your petitioners will ever pray.

JAMES R. BERRY, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred

House Bill No. 163,

A joint resolution and memorial praying for the passage by Congress of a national law for the extermination of contagious pleuro-pneumonia among cattle in the United States,

Has had the same under consideration, and instructed me to report the same back without recommendation.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

Your Committee on Federal Relations, to whom were referred
House Bills Nos. 63 and 144,
Wish to report back both bills without recommendation.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
Council Bills Nos. 193 and 210,
Also,
House Bill No. 98,
Wish to report the same back with the recommendation
that they do not pass.
Also,
To report back
Council Bills Nos. 84 and 213, and
House Bill No. 133,
With the recommendation that they do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 60,
Report the same back with the recommendation that it
do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
House Bill No. 122,
Report the same with the following amendments, and as
so amended recommend the bill do pass:
To amend section 1 by striking out of line two of the
written bill the words "or sheriff."
To amend section 2 by striking out of line two of the
written bill the word "offices," and insert instead the word
"office."

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
that they find

Council Bills Nos. 120, 138, 137 and 105
Properly enrolled.

C. D. MEAD, Chairman.

MR. PRESIDENT:

The Committee on Cities and Municipal Corporations ask the unanimous consent of the Council to report back Council Bill No. 121

Without further consideration in committee with the recommendation that same do pass.

H. GALLOWAY,
For the Committee.

The House having amended Council Bill No. 9 in which amendments the Council refused to concur the House appointed a committee to consider the differences between the two branches of the Legislative Assembly.

Mr. Collins moved

That a committee of conference thereon be appointed by the president.

The motion prevailed, and

The president appointed as such committee Messrs. Collins, Hughes and Smith.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 214.

A bill for an act to repeal section 1 of chapter 113 of the General laws of 1883, entitled an act to amend section 7 of chapter 59 of the laws of 1879;

Was read the first time.

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled an act to provide for the organization of civil townships, and the government of the same,

Was read the first time.

Council Bill No. 216,

A bill for an act to amend section 6 of chapter 61 of the Session Laws of 1881.

Was read the first time.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled liability for damages occasioned by vicious dogs,

Was read the first time.

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

Was read the first time.

Council Bill No. 219,

A bill for an act to amend chapter 81 of the General Laws of 1885,

Was read the first time.

Council Bill No. 220,

A bill for an act to amend section 579 of the Penal Code of the Territory of Dakota,

Was read the first time.

Council Bill No. 221,

A bill for an act to amend sections 694, 696 and 697 of chapter 56 of the Penal Code of Dakota Territory,

Was read the first time.

Council Bill No. 222,

A bill for an act to provide for extending or restricting the limits of incorporated cities,

Was read the first time.

Council Bill No. 223,

A bill for an act to amend section 39 of chapter 23 of an act entitled "An act establishing the Dakota hospital for insane, providing for the government of the same and for the care of the insane and for the government of the same,"

Was read the first time.

Council Bill No. 224,

A bill for an act to provide funds for the construction and furnishing of a meteorological laboratory for the school of mines at Rapid City, Dakota, and for other purposes,

Was read the first time.

Council Bill No. 225,

A bill for an act to amend section 6 of chapter 21 of the Political Code entitled "counties and county officers,"

Was read the first time.

COMMITTEE OF THE WHOLE.

Mr. McCumber moved

That the Council go into session as a committee of the whole house for the consideration of Council Bill No. 4.

The motion prevailed, and
The Council went into session as such committee.

Mr. McCumber in the chair.

After some time spent therein the committee arose and
Mr. Campbell in the chair

Reported as follows:

MR. PRESIDENT:

The committee of the whole having had under consideration

Council bill No. 4,

A bill for an act prescribing the mode for listing, assessing, and the levy and collection of taxes and for other purposes,

Have instructed me to report recommending that the bill be amended as follows:

By striking out the words "or by their agents" in line 6 of section 5.

In section 2, line 46, after the words "after the" insert the words "completion of the".

Wherever the word "commissioner" or "or township" occurs in connection with "district," that the words "commissioner" or "or township" be stricken out.

In section 6, lines 25 and 26, strike out the word "three" and insert in lieu thereof the word "six."

In section 6, line 23, after the word "cows" add the words "No. of work oxen."

In section 6, line 35, after the word "amount" insert "and discription and value."

In section 6, line 37, before the word "all" prefix the words "value of."

In section 6, line 45, strike out the words "entry of" and insert in lieu thereof the words "receiver's receipt issued for."

In section 6, line 47, strike out the word "specially" and insert in lieu thereof the word "specifically."

In section 10, line 9, strike out the word "liable" and insert in lieu thereof the word "required."

That section 13 be stricken out.

In section 12 strike out from the word "Territory" in line 3 to the word "shall" in line 5.

Add to section 14 "except as otherwise provided in this act."

In section 14, line 3, strike out the words "in good faith."

In section 14, line 4, strike out the word "controlled"

and insert the word "used," and after the word "corporation" insert the words "for railroad purposes."

In section 16, line 9, after the word "swear" insert "(or affirm)"

In section 17, line 1, after the word "swear" insert "(or affirm)"

To section 41 add "next preceeding the time of making the assessment."

Amend section 48 by adding at the end of line 4 the following: "Provided that no such property shall be added to the assessment roll by the county commissioners until notice of their intention so to do shall be given to the owner thereof."

In section 51, line 4, strike out "six" and insert "ten" in lieu thereof.

In section 51, line 7, strike out "and" and place a period after "dollar" and begin the succeeding word with a capital.

In section 52, line 9, strike out the word even.

In line six, section 70, after the word "sale" strike out "except road and poll tax."

In lines three and four, section 71, strike out all in brackets.

In line five, section 71, strike out "with said penalty."

In line six, section 76, strike out "July" and insert "August."

In line four, section 78, strike out the word "now."

In line two, section 78, strike out "five" and insert "ten."

In lines seven and eight, section 80, strike out the word "duplicate" and insert the word "triplicate."

In line twelve, section 88, strike out the word "twenty" and insert "ten."

In line thirteen, section 88, strike out the word "ten" and insert "five."

Add after the word "sale," in line two, section 95, the following: "containing a description of more than a single tract of land as advertised, and the treasurer is authorized to demand the sum of twenty-five cents for each certificate describing a single tract of land."

In line two, section 104, strike out the word "away."

In line three, section 110, strike out the word "session" and insert in lieu thereof the word "general."

At the end of line twenty-five, section 116, add "where the amount is less than five dollars, and twenty per cent. where the amount is more than five dollars."

In line nine, section 120, strike out the word "paid."

In line seven, section 120, strike out the word "two" and insert "one" in lieu thereof.

In section 127, strike out "first Monday of May" and insert "fifteenth of June." And also "first Monday of November" and insert "fifteenth of December."

In line six, section 129, strike out the word "March" and insert the word "April."

In line two, section 123, strike out the words "advertised or."

In line nine, section 52, strike out the word "four" and insert "three" in lieu thereof.

In lines one and two, section 50, strike out the words "one of the counties" and insert the word "county."

In line five, section 158, strike out the words "each newspaper published in the county" and insert the words "the official newspapers of the county."

In line three, section 159, strike out the words "levied and" and insert the word "delinquent" before the word "taxes."

In line three, section 161, strike out the figure "5" and insert in lieu thereof the figure "7."

Subdivision six of section 3 to be stricken out and the following to be inserted:

6. All credits, whether money, property, or labor due from solvent debtors on contract or in judgment, and whether within this territory or not. In making the amount of credits which any person is required to list for himself or for any other person, company or corporation, he shall be entitled to deduct from the gross amount of credits the amount of all bona fide debts owing by such person, company or corporation, to any other person, company or corporation. The assessor shall require such person to make and deliver to such assessor a complete schedule of all credits, notes, accounts and other evidences of indebtedness due such person also a complete schedule of all bona fide debts in notes, accounts and other evidences of indebtedness due from him, with the actual cash value thereof, such schedule to be verified by the oath of such person and returned with the list.

5. Provided that nothing in this section shall be so construed as to apply to any bank, company or corporation exercising banking powers and privileges, or to authorize any deduction allowed by this section from the value of any other item of taxation than credits.

And recommend the amendment of the report of the Committee on Revenue, submitted the 11th inst., as follows:

In its first proposed amendment strike out the word "used" and insert the word "owned."

That the proposed amendment No. 3 be not adopted.

That the proposed amendment No. 12 be not adopted.

That the proposed amendment No. 15 be not adopted.

That the proposed amendment No. 42 be amended by striking out "twenty-four hours" and insert "seven days."

That the proposed amendment No. 45 be amended by striking out "twenty-four hours" and inserting "seven day."

That the proposed amendment No. 48 be not adopted.

P. J. McCUMBER,
Chairman.

Mr. Galloway moved that the report be adopted.

The motion prevailed.

Mr. Mead reported as follows:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that they delivered to his Excellency, Gov. Church, February 19, 1887, at 2:30 o'clock p. m., Council Bills 120, 138, 137 and 105.

C. D. MEAD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives,

HOUSE OF REPRESENTATIVES, }
February 19, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 213,

A bill for an act to provide compensation to E. H. Bly

and others for rent of rooms for the use of the Judiciary Committee of the House and Railroad Committees of the Council and House,

Which has passed the House and your favorable consideration thereof is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved that
House Bill No. 71,

A bill for an act entitled an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals.

Be printed as it was passed by the House of Representatives.

The motion prevailed.

Mr. Hughes moved

That the rules be suspended and that the Council proceed to the consideration of House bills, and that all such bills now on their first reading be read a first and second time and referred to appropriate committees.

The motion prevailed.

House Bill No. 213,

A bill for an act to provide compensation to E. H. Bly and others for rent of rooms for the use of the Judiciary Committee of the House and Railroad Committees of Council and House,

Was read the first and second time and

Referred to the Committee on Appropriations.

House Bill No. 174,

A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives, from justice,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 172,

A bill for an act to define the boundaries of Ward and Renville counties,

Was read the first and second time and

Referred to the Committee on Counties.

Mr. McCumber moved

That his Excellency the Governor be requested to return for further consideration

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies.

The motion prevailed.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, }
February 19, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 105,

A bill for an act to amend section 74 of subchapter 1 of chapter 112 of the General Laws of 1883, entitled "Township Government."

Council Bill No. 120;

A joint resolution providing for the compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary.

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws.

I return you herewith, in accordance with your request, Council Bill No. 137, without action.

LOUIS K. CHURCH,
Governor.

Mr. Hughes moved

That the Council adjourn.

The motion prevailed and

Mr. Campbell in the chair, announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FORTY-FOURTH DAY.

BISMARCK, February 23, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair.

After prayer be the chaplain,

The roll was called and the members all responded to their names except Messrs. Cain, Ericson, Hughes, Mead and Washabaugh.

The Journal of Saturday was read and approved.

The following petitions were presented and referred to the Committee on Territorial Affairs.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, The question of amending our exemption laws, is being agitated, whereby the amount of personal property exempt from seizure by execution or other process, would be materially reduced, and

WHEREAS, A great number of our most worthy citizens from the east, have by misfortune, or circumstances wholly beyond their control, lost their fortunes as well as their homes; have by reason of her reasonable exemption laws, come to Dakota as a place of refuge, where he can start anew and build himself a home again, and be in a way to gain for himself and family a livelihood, educate his children and perhaps be a benefit to the community surrounding him, and

WHEREAS, believing that at this time of general depression an amendment of these laws would work a great hardship and be disastrous to a large class of our fellow citizens, and would have the effect to deliver them into the hands of merciless sharpers, forcing them to seek a new haven elsewhere,

THEREFORE, We, the undersigned resident citizens of the township of Medford, Walsh county, Dakota, do most

earnestly remonstrate against any legislation that will put in jeopardy the poor man's home and property, to a greater extent than the exemption which already exists.

Respectfully submitted, this 29th day of January, A. D. 1887.

S. S. WORTHING, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Hunter, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

F. W. DIETER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the territory of Dakota, and whose postoffice address is Arthur, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

E. H. HUTCHINSON, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota :

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Lampton, county of Walsh, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall

go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. H. STUART et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Vilas, county of Miner, do most respectfully and earnestly petition your Honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JAMES JEFFREYS, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Vilas, county of Miner, Territory of Dakota, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

CRATON BERRYMAN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Canova, County of Miner, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

CHAS. W. BARNES et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is DeSmet, county of Kingsbury, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JOHN A. OWEN, District Attorney, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, We, the subscribing citizens of the city of Grafton and vicinity, recognizing and deploring the terrible evils of intemperance; the blighting curse that it brings upon the individual, the home, the community, and society in general; entering into and corrupting, as it does, the very source of our political freedom; controlling and dominating the political machinery of the country from hamlet to nation,

We, therefore, deem it a matter of the most urgent necessity that such laws be enacted as will further restrain and curtail the liquor traffic, and reduce the evils resulting therefrom to the smallest minimum possible; and

We humbly pray your honorable body to take this vital matter into consideration and by your united wisdom enact such laws as will place the grand Territory of Dakota in the van of the temperance movement with her sister states and territories of the west; and to this end your petitioners will ever pray.

H. H. MOTT, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors,

Report that they have had the same under consideration, and recommend that the bill do pass without amendment.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

Report that they have had the same under consideration and recommend the following amendments:

1. By striking out the following words where they occur after the word "county" in line 7 of section 3 of the original bill: "Or for any common council or officers of any incorporated town, city or village in said county to grant or issue any license for the sale of such intoxicating liquors," and insert in lieu thereof the following: "Except as provided in section 6 of this act."

2. That the following words be added after the word "county" in line 7 of section 5 of original bill: "Except as provided in section 6 of this act."

3. That the following words be added to section 6: "Nor to prevent the issuing of license for the sale of intoxicating liquors by the common council of any incorporated city, or the board of trustees of any incorporated town, where they are empowered so to do by any general or special enactment of the Legislative Assembly without the first issuing of a license therefor by the board of county commissioners; nor of the selling of such liquors by any person or persons by authority of such license."

4. That section 8 be stricken out, and when so amended that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 102,

A bill for an act for the preservation of game birds.

And

Council Bill No. 190,

A bill for an act to repeal section 2 of chapter 41 of the

Political Code and to amend chapter 63 of the Session Laws of 1883, relating to the protection of game,

Report that they have had the same under consideration and recommend that said bills do not pass, and that substitute for such bills, herewith submitted, do pass.

P. J. McCUMBER,
Chairman.

A BILL

For an Act to Protect Game Birds.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 3 of chapter 63 of the Session Laws of 1883, be amended so as to read as follows: It shall be unlawful for any person to kill, pursue with intent to kill, or have in his possession, any prairie chicken, grouse, partridge, quail, plover, snipe, woodcock, or wild duck, between the 15th day of November and the 15th day of August following in any year; or any wild song bird at any time; or to rob or destroy or remove the eggs from the nests of any such birds at any time.

SEC. 2. That section 4 of chapter 63 of the laws of 1883, be amended so as to read as follows: Any person convicted of any offense mentioned in section 3 of this chapter shall be fined the sum of two dollars for each and every such bird killed by him or found in his possession or for each such bird's nest or bird's eggs taken or destroyed by him, including an attorney's fee of five dollars in each such case and shall stand committed to the county jail until such fine and costs are paid, not to exceed one day's imprisonment for each \$2 of full amount of such fine and costs.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 68,

A bill for an act to prevent the wearing of G. A. R. badges unlawfully,

Report that they have had the same under consideration and recommend that the same do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 185,

A bill for an act to repeal sections 1, 2, 3 and 4 of chapter 60 of the Session Laws of 1883, entitled an act to stock with food fishes the waters of Dakota and to protect the same, and for other purposes, and to enact in lieu thereof the following: An act for the appointment of a game and fish commissioner and for the stocking and maintaining fish hatcheries, and for the protection of fish in Dakota streams,

Report that they have had the same under consideration and recommend that the same do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Report that they have had the same under consideration and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Joint Resolution No. 157, to pay for chairs for use of the ladies visiting the capitol,

Report that they have had the same under consideration and recommend that the bill be amended by adding thereto the following: "And a further sum of \$65 to pay for chairs for the use of the Council chamber for like purposes, and the auditor of the Territory is hereby instructed to purchase such chairs for the use of the Council in accordance with this act."

And when so amended that the bill do pass.

P. J. McCUMBER,
Chairman.

The committee of conference on Council Bill No. 9 reported as follows:

MR. PRESIDENT:

Your committee on joint conference with a similar committee of the House to whom was referred

Council Bill No. 9,

Respectfully report that said committee in joint session recommend that section 4 adopted by the House, be stricken out and section 5 be made section 4 of said bill and as so amended recommend its passage.

W. T. COLLINS,
Chairman.

FIRST READING OF COUNCIL BILLS,

Council Bill No. 226,

Introduced by Mr. McCumber—

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota,

Was read the first time.

Council Bill No. 227,

Introduced by Mr. Campbell (by request)—

A joint resolution to provide funds for the payment and settlement of a territorial debt or obligation contracted by the Legislative Assembly of 1872-3, entitled a joint resolution providing for and the election of a public printer for the Legislative Assembly and the Territory of Dakota,

Was read the first time.

Council Bill No. 228,

Introduced by Mr. Campbell—

A bill for an act providing a remedy by garnishment in district court in the Territory of Dakota,

Was read the first time.

Council Bill No. 229,

Introduced by Mr. Grigsby—

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the school of deaf mutes at Sioux Falls, and for other purposes,

Was read the first time.

Council Bill No. 230,

Introduced by Mr. Grigsby—

A bill for an act making appropriation for the maintenance of the school of deaf mutes at Sioux Falls,

Was read the first time.

Council Bill No. 231,

Introduced by Mr. Bogert—

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 214.

A bill for an act to repeal section 1 of chapter 113 of the General laws of 1883, entitled an act to amend section 7 of chapter 59 of the laws of 1879,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled an act to provide for the organization of civil townships, and the government of the same,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 216,

A bill for an act to amend section 6 of chapter 61 of the Session Laws of 1881.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled liability for damages occasioned by vicious dogs,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 219,

A bill for an act to amend chapter 81 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 220,

A bill for an act to amend section 579 of the Penal Code of the Territory of Dakota.

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 221,

A bill for an act to amend sections 694, 696 and 697 of
the Penal Code of Dakota Territory,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 222,

A bill for an act for extending or restricting the limits
of incorporated cities,

Was read the second time and
Referred to the committee on Judiciary.

Council Bill No. 223,

A bill for an act to amend section 39 of chapter 23 of an
act entitled an act establishing the Dakota hospital for the
insane, providing for the government of the same and for
the care of the same,

Was read the second time and
Referred to the Committee on Penal and Charitable In-
stitutions.

Council Bill No. 224,

A bill for an act to provide funds for the construction
and furnishing of a metallurgical laboratory of the school of
mines, at Rapid City, Dakota, and for other purposes,

Was read the second time, and
Referred to the Committee on Appropriations.

Council Bill No. 226.

A bill for an act to amend section 6 of chapter 21 of the
Political Code entitled, counties and county officers.

Was read the second time and
Referred to the Committee on Counties.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of
Representatives:

HOUSE OF REPRESENTATIVES. ()
February 23, 1887.)

MR. PRESIDENT:

I have the honor to transmit herewith
House bill No. 95.

A bill for an act establishing a territorial horticultural
society and making an appropriation for the encourage-
ment of horticulture and forestry, and

House bill No. 147,

A bill for an act entitled to provide seed grain and assistance for those whose crops were destroyed in 1886,

Which have passed the House and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES. }
February 23, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers, and for recording such bonds and filing the same in the office of the auditor of the Territory and for other purposes,

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at territorial encampment, held at Fargo, Dakota, in September, 1885,

Council Bill No. 148.

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled "Incorporation of Towns and Cities,"

Which have passed the House without change.

Also,

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1883,

Which has passed the House and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 84,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same,

Was read the third time, and

The question being shall the bill pass and

The roll being called there were ayes, 4; nays, 12; not voting, 8.

Those who voted in the affirmative were:

Messrs. Dodge, Foster, Galloway, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Collins, Donovan, Grigsby, Harstad, Martin, McCumber, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Cain, Campbell, Ericson, Hughes, Lawler, Mead, Sheldon of Day, Washabaugh.

So the bill was lost.

Mr. Campbell in the chair.

Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes,

Was read the third time.

Mr. Donovan moved

That the bill be amended in accordance with the recommendation of the report of the Committee on Cities and Municipal Corporations,

Which motion prevailed.

Mr. Dodge moved

That the bill be referred to a special committee of three, of which Mr. Matthews shall be chairman.

The motion prevailed, and

The chair appointed as such committee Messrs. Matthews, Grigsby and Dodge.

The sergeant-at-arms announced a message from his Excellency the Governor, whereupon the doors were closed and the Council spent some time in executive session. After the doors were opened

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly,

Was read the third time.

Mr. Wells moved

That the bill be amended by striking out the word "said" in line two, section 2, and inserting in lieu thereof the word "Sioux."

The motion prevailed.

Mr. McCumber moved

That the bill be recommitted to the Committee on Judiciary with instructions to so amend the bill that the same shall require a passage way for fish in all dams heretofore constructed or that hereafter shall be constructed across any stream in this Territory.

The motion prevailed.

Council Bill No. 193.

A bill for an act to amend chapter 112 of the laws of 1883, entitled Township Government.

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 2; nays, 15; not voting, 7.

Those who voted in the affirmative were:

Messrs. Galloway, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Foster, Grigsby, Harstad, Martin, McCumber, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Cain, Ericson, Hughes, Lawler, Mead, Sheldon of Day, Washabaugh.

So the bill was lost.

Mr. Dodge moved that

Council Bill No. 210,

A bill for an act to change county seats that are located away from railway stations to towns on railroads, by a majority vote.

Be recommitted to the Committee on Judiciary.

The motion prevailed.

Council Bill, No. 213.

A bill for an act respecting the expenditure of road and bridge funds.

Was read the third time and

The question then being shall the bill pass, and

The roll being called there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Foster, Galloway, Grigsby, Lawler, Martin, McCumber, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Ericson, Harstad, Hughes, Mead, Sheldon of Day, Washabaugh.

So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy,
the licensing of persons to carry on such practice and the
sale of poisons in the Territory of Dakota,

Was read the third time.

Mr. Galloway moved

That the bill be amended as recommended by the Com-
mittee on Public Health.

The motion prevailed.

Mr. Grigsby moved

That the bill be amended by inserting after the word
"Dakota" in line 5, section 2, the following: "or who shall
have been engaged in the dispensing of drugs and medicines
for a period of not less than ten years."

The motion prevailed and the question then being shall
the bill pass and

The roll being called there were ayes, 13; nays 1; not
voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Foster, Gallo-
way, Grigsby, Harstad, Martin, Sheldon of Hand, Smith,
Weiser, Wells.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Cain, Dodge, Donovan, Ericson, Hughes, Lawler,
Mead, Sheldon of Day, Washabaugh, Mr. President.

So the bill passed and
The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 153,

A bill for an act to regulate the practice of pharmacy
and the sale of poison, and to prevent the adulteration of
medicines in the Territory of Dakota,

Was read a third time.

Mr. Smith moved

That further consideration of the bill be indefinitely postponed.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
February 23, 1887. }

MR. PRESIDENT:

I have the honor to return herewith,
Council Bill No. 173,

A bill for an act creating and defining a subdivision of
the Second judicial district,

Which has passed the House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Collins from the Committee on Engrossed and En-
rolled bills reported that the committee had examined
Council Bill No. 173,
And found the same correctly enrolled.

FIRST READING OF HOUSE BILLS.

House Bill No. 71,

A bill for an act entitled an act to suppress and prevent
the spread of contagious or infectious diseases among
domestic animals,

Was read the first time.

THIRD READING OF HOUSE BILLS.

House bill No 63.

A memorial to congress for the improvement of the
Yellowstone National Park,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 7; nays, 8;
not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Foster, Martin, Smith,
Wells.

Those who voted in the negative were:

Messrs. Bogert, Donovan, Galloway, Grigsby, Lawler, McCumber, Sheldon of Hand, Weiser.

Absent and not voting:

Messrs. Cain, Collins, Ericson, Harstad, Hughes, Mead, Sheldon of Day, Washabaugh, Mr. President.

So the bill was lost.

House Bill 98,

A bill for an act to increase the powers of county commissioners,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 2; nays, 14; not voting, 8.

Those who voted in the affirmative were:

Messrs. Grigsby, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Foster, Galloway, Harstad, Martin, McCumber, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Cain, Ericson, Hughes, Lawler, Mead, Sheldon of Day, Washabaugh, Mr. President.

So the bill was lost.

Mr. Collins, from the Committee on Engrossed and Enrolled Bills reported that he had this day, at 5:30 o'clock p, m., delivered to his Excellency, the Governor, for executive action, Council Bill No. 173.

Mr. Dodge moved

That the Council adjourn.

The motion prevailed and

Mr. Campbell in the chair announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FORTY-FIFTH DAY.

BISMARCK, February 24, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain.

The roll was called and the members all responded to their names except Messrs. Cain, Ericson, Hughes, Mead and Washabaugh.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented and referred to the Committee on Railroads:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, Certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and

WHEREAS, Such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor, and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can, if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hughes' Council Bill No. 2, and Collins' Council Bill No. 6.

E. LEWIS et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

MINTO, DAK., Feb. 9, 1887.

Meeting of the Walsh county Farmers' Alliance called to order by Vice President Bourne, in the absence of President McConnell.

Minutes of last meeting read and approved.

The Collins railroad and warehouse commission bill read and discussed.

Moved, seconded, and carried unanimously, that the following resolution be forwarded to the territorial Legislative Assembly, now in session at Bismarck, Dakota:

Resolved, That this Alliance recommends the passage of the Collins railroad and warehouse commission bill as amended (Council Bill No. 6); that it is nearer what the farmers of this county want than anything that has been introduced so far at this session, and that it does not interfere with corporations or railroads any more than is necessary.

It is further recommended that great care should be taken in the appointment of commissioners, so not to have any person appointed as such commissioner who has any interest in any form whatsoever in any corporation or railroad, because in their hands lies the enforcement of the provisions of said bill.

ALEX. THOMSON,
Secretary.

JAMES R. BOURNE,
Vice President.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

GENTLEMEN: We, the undersigned farmers and business men of Buxton do most respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins' bill," that it may become a law during this session of the Legislature. We consider the provisions of this bill wise ones in every respect, giving the people relief from the most grievous burdens known to our Territory. Railroad discrimination and extortion constitutes the question of the day. These abuses, with that of the elevators, have entered into the discussions of every farmers' meeting of this Territory for three years past. We have asked and prayed that our representatives in the Legislature

give us relief from these great burdens imposed by the few upon the many for three years past, and yet a deaf ear has been turned to our demands, and during all this time the producers witness their hard earnings passing into the coffers of the rich corporations, and while the latter are growing richer the farmers are growing poorer from year to year. We hope your honorable body will not repeat the action of your predecessors, but improve your great opportunity in giving a suffering people what is justly their due.

And we will ever pray.

H. A. NASH, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned, recognizing the needs of the northwest, and especially this portion of our country, and the importance of securing relief from grievances which burden the people through extortion and arbitrary assumption of unreasonable powers by the few over the many, and believing that Council Bill No. 168, introduced by Mr. Collins in the present Legislative Assembly, therefore pray for the early enactment of said bill, and we will ever pray.

Dated at Niagara, Grand Forks county, D. T., February 15, 1887.

JAMES CHAMBERS, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota :

JOHNSON P. O., GRAND FORKS Co., D. T., }
February 16, 1887. }

We, the undersigned citizens and tax-payers of Dakota, having confidence in the fidelity of Councillor Collins as a friend of the agricultural interests of Dakota and believing that his Council Bill No. 6 is thoroughly digested and practically what the people need in the premises, do hereby earnestly pray for the immediate enactment of the same into law, and we will ever pray.

ISAAC N. JOHNSON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota :

We the undersigned farmers of the town of Walle, in the county of Grand Forks, Dakota, respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins Bill," and make it a law this winter.

Its provisions meet more nearly the needs of the people of this Territory than any other measure now before the Legislature.

Railroad discriminations and extortion is the great question which, above all others, has agitated the people of this Territory for the past four years. We must have relief from these great evils and the power of the few to burden so grievously the many.

And we will ever pray.

H. LOGLAND et al.

And the following to the Committee on Appropriations:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

In compliance with a resolution unanimously adopted February 16, 1887, by William A. Gorman post, No. 56, G. A. R., we, the undersigned citizens of the Territory of Dakota and members of the Grand Army of the Republic, department of Dakota, were constituted a committee to most respectfully and earnestly petition your Honorable body to pass a law establishing a Soldiers' and Sailors' home in the Territory of Dakota. In nearly every county in the Territory there are more or less worthy ex-soldiers, who, owing to advanced age and physical disabilities, are unable to earn a livelihood—many of them being entirely dependent on municipal charity for means of sustenance. It is therefore absolutely necessary that the Territory should take speedy steps to provide for these worthy and needy veterans, to the end that they may be placed in permanent and comfortable homes at the earliest practicable moment. Your petitioners would also earnestly recommend that the matter of location be left with the territorial department of the Grand Army of the Republic, to be discussed and final action taken at the annual department encampment, which takes place at Jamestown, D. T., on the 23d and 24th of March, A. D. 1887. And thus your petitioners will ever pray.

WM. N. BROWN, Post Commander.

GEO. B. WINSHIP, Post Commander.

W. H. TOPPING, Post Commander.

And the following to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota,

whose postoffice address is Belleville, county of Grand Forks, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

A. R. FREEBORN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Sioux Falls, county of Minnehaha, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

F. G. BROWN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the territory of Dakota, and whose postoffice address is Belleville, county of Grand Forks, do respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

NEIL BELL et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Lampton, county of Walsh, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a

proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

C. A. WRIGHT, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Ipswich, county of Edmunds, do most respectfully and earnestly petition your Honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

D. C. PIERCE, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Taopi, county of Minnehaha, Territory of Dakota, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

C. F. HEBERLEIN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Grand Rapids, county of LaMoure; do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that

the law shall go into effect upon the 4th day of July, 1886. And thus your petitioners will ever pray.

GEO. H. TWEED et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Park River, county of Walsh, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

R. H. CATHERWOOD, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, whose postoffice address is Carlisle, county of Pembina, do most respectfully and earnestly entreat your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

WILLIAM McCULTRON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, inhabitants of Jackson township, Charles Mix county, Dakota, do hereby petition your honorable body that you do at this session pass a stringent prohibitory measure, and would recommend the passage of the bill drafted by the citizens of Yankton.

CHARLES W. LINDELL, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Jackson township, Charles Mix county, Territory of Dakota, do petition the Legislative Assembly of the Territory of Dakota that the bill

for the prohibition of the manufacture and sale of alcoholic compounds herein described be adopted, viz: The bill adopted by the Yankton temperance people.

B. F. MILLER, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

A study of the statutes has revealed their utter failure to meet the demands of that newly awakened public sentiment which requires better legal protection for womanhood and girlhood.

Therefore we, the women of the territory of Dakota do most earnestly appeal to you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls. We also urge that the age at which a girl can legally consent to her own ruin be raised to at least eighteen years; and we call attention to the disgraceful fact that protection to the person is not placed by our laws upon so high a plane as protection of the purse.

MRS. A. W. CLARK, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

A study of the statutes has revealed their utter failure to meet the demands of that newly awakened public sentiment which requires better legal protection for womanhood and girlhood.

Therefore, we, the women of Roscoe, Territory of Dakota, do most earnestly appeal to you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls. We also urge that the age at which a girl can legally consent to her own ruin be raised to at least eighteen years; and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse

MRS. JOHN RUDD, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

The study of the revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Charles Mix county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon as high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

WM. BARKER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities for which even little girls are subject, have become the shame of our boasted civilization.

The study of the revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Tyndall, Bon Homme county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

MRS. G. W. MARSHALL, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Worden Post No. 83, Department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the

Legislative Assembly for the establishment of a Soldiers' and Sailors' home in the Territory of Dakota, and we would most respectfully urge the passage of a bill to that effect.

N. E. NELSON, Commander,

Attest: B. H. WEBSTER, Adjutant.

MESSAGE FROM THE SECRETARY.

The following message was received from the secretary of the Territory:

BISMARCK, February 31, 1887.

To the President of the Council:

On behalf of ex-Governor Pierce, the territorial officers and the citizens of Bismarck, an invitation is hereby extended to the Council to attend a reception to be tendered Governor L. K. Church, this evening, in the capitol building, at 8 o'clock.

M. L. McCORMACK,
Secretary of Dakota.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 150,
Recommend that the same do pass.

MELVIN GRIGSBY,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 198,

Respectfully recommend that the same be amended by striking out all after the word "notary" in line fifteen, section 1, of the printed bill up to and including the word "established," in line sixteen; by striking out all after the word "cause" in line forty up to and including the word "and," in line forty-one; by striking out of section 3 all after the word "certified," including the word "or" in line two; by adding in section 16, after word "shall" in line three, the following: "after ninety days from the date of the passage and approval of this act."

And your committee do further recommend that when so amended the bill do pass.

MELVIN GRIGSBY,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 215,

Wish to report back the same with the following amend-
ment, and as so amended recommend that the bill be
passed:

To amend section 1 by striking out all of said section af-
ter the word "assessor" in line eighteen of the written
bill.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
House Bill No. 172,

Wish to report back the same with the recommendation
that it do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance to whom
House Bill No. 112

Was referred, would report back the same with the rec-
ommendation that the bill be passed.

T. O. BOGERT,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 178,

Report the same back with the recommendation that the
bill do pass.

MELVIN GRIGSBY,
Chairman.

REPORTS OF SELECT COMMITTEES.

MR. PRESIDENT:

Your special committee appointed to consider
Council Bill No. 112,

Report that we have had the same under consideration
and recommend that section 1 be amended by inserting
after the words "school building" in line six of written bill
the words "and other buildings for city purposes"; and
also to amend section 2 by adding thereto the following:
"And provided that this act shall not be construed to limit
or restrict the powers already conferred by any special

charter upon the council of any city or municipal corporation."

G. A. MATTHEWS,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 24, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 126,

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Territory of Dakota, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it, and for other purposes,

Council Bill No. 130,

A bill for an act to fix the compensation of sheriffs in certain cases, and

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

Which have passed the House without change.

Also,

House Bill No. 2,

A bill for an act entitled "an act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freighton railroads in this territory,"

House Bill No 46,

A bill for an act to oblige county treasurers to register warrants without charge,

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the governor and territorial board of health,

House Bill No. 198,

A bill for an act to amend the charter of the Groton collegiate institute,

House Bill No. 182.

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands, and

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing the amount of license for sale of intoxicating liquors,

Which the House has passed, and your favorable consideration is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 24, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has recessed from its amendments to Council Bill No. 9,

A bill for an act entitled "an act amending chapter 40 of the Laws of the Fifteenth General Assembly."

Very respectfully,

W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Mr. Bogert in the chair.

Mr. Dodge moved

That the rules be suspended and that Council Bill No. 112,
Be read a third time and put on its passage.

The motion prevailed, and Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes,

Was read the third time.

Mr. Matthews moved

That the bill be amended in accordance with the recommendation of the report of the special committee.

The motion prevailed and

The question then being shall the bill pass and

The roll being called, there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Foster,

Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Donovan, Ericson, Hughes, Mead, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Collins moved

That the report of the conference committee on Council Bill No. 9 be laid on the table.

The motion prevailed.

Mr. McCumber moved

That House Bill No. 81, be made a special order for Saturday next.

The motion prevailed.

THE FOLLOWING REPORT WAS SUBMITTED:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report, that they have examined Council Bill No. 98, and find it properly enrolled

A. W. CAMPBELL.
Chairman, pro tem.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 232,

Introduced by Mr. Lawler, by request—

A bill for an act to amend section 7, of chapter 43, of the General Laws of 1883,

Was read the first time.

Council Bill No. 233,

Introduced by Mr. Collins—

A bill for an act providing for the filing and recording of chattel mortgages by township and city clerks,

Was read the first time.

Council Bill No. 234,

Introduced by Mr. Galloway—

A bill for an act to fix the compensation of judges of the probate court, and provide for a fund for the payment of the same,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the school of deaf mutes at Sioux Falls, and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Dodge moved

That the rules be suspended and that the Council proceed to the consideration of House bills.

The motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 2,

A bill for an act to amend an act entitled "An act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory,"

Was read the first time.

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the governor and territorial board of health,

Was read the first time.

House Bill No. 46.

A bill for an act to oblige county treasurers to register warrants without charge,

Was read the first time.

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Sessions Laws of 1885,

Was read the first time.

House Bill, No. 95,

A bill for an act establishing a territorial Horticultural Society and making an appropriation for the encouragement of horticulture and forestry,

Was read the first time.

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886.

Was read the first time.

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing amount of license for sale of intoxicating liquors,

Was read the first time.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands,

Was read the first time.

House Bill No. 198,

A bill for an act to amend the charter of Groton collegiate institute,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 71,

A bill for an act entitled an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Was read the second time and

Referred to the Committee on Public Health.

The following report was submitted :

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that they have this day, at 4:30 p. m., delivered to his Excellency the Governor for executive action Council Bill No. 137,

WM. T. COLLINS,
Chairman pro. tem,

THIRD READING OF HOUSE BILLS.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

Was read the third time.

Mr. McCumber moved

That the words "twenty-one" in line twenty-one of section 1 be stricken out and "twenty-two" be inserted in lieu thereof.

The motion prevailed and the question then being

Shall the bill pass and

The roll being called, there were ayes, 15; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Collins, Dodge, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Sheldon of Hand, Smith, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Campbell, Donovan, Ericson, Hughes, Mead, Sheldon of Day, Washabaugh, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Smith moved that

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Be made a special order for to-morrow at 3 o'clock.

The motion prevailed.

Mr. McCumber moved that

House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

Be made a special order for Monday next at 3 o'clock.

The motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Dodge moved

That the Council go into session as a committee of the whole for the consideration of Council Bill No. 121.

The motion prevailed, and the Council went into session as such committee.

Mr. Bogert in the chair.

After some time the committee rose and through its chairman reported as follows:

MR. PRESIDENT:

The committee of the whole having had under consideration

Council Bill No. 121,

A bill for an act to provide for the incorporation of cities,

Have instructed me to report recommending that the bill be amended as follows:

By adding to section 2 the words "or voting precinct."

By striking out in line 3 of section 13 the word "or" and inserting in lieu thereof the word "over."

By striking out in line 1, section 8 the word "elect" and inserting in lieu thereof the word "elected."

In section 12 after the word "provided" to insert "a" before "two-thirds" and "vote" following, and striking out the word "elect" and inserting "elected."

And in subdivision 5, article 4, line 10 of section 2, providing for the maximum amount of indebtedness which may be incurred, by striking out the word "five" and inserting in lieu thereof the word "four."

And that when so amended the bill do pass.

T. O. BOGERT,
Chairman.

Mr. Dodge moved

That the report of the committee be adopted.

The motion prevailed.

Mr. Collins moved

That the bill be made a special order for Saturday next,
at 2:30 p. m.

The motion prevailed.

Mr. Dodge moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FORTY-SIXTH DAY.

BISMARCK, February 25, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names except Messrs. Hughes, Sheldon of Day, Smith and Washabaugh.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions and communications were presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

In obedience to the provisions of a resolution passed by the John B. King Post. No. 73, department of Dakota, G. A. R., held at their hall in Mandan, D. T., February 7th, 1887,

We, the undersigned ex-soldiers and citizens of Mandan, Morton county, Dakota, do most respectfully recommend the passage of the bill introduced by Dr. Stewart of Fall River county, Dakota, for the location of a Soldiers' Home, and earnestly request our representatives in the legislature to use all reasonable efforts in their power for the advancement of the above mentioned bill.

R. J. CARR,
J. S. NELSON,
R. H. SMITH,
Committee.

And 103 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of John A. Day Post No. 30, Department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' home in the Territory of Dakota, and we would most respectfully urge the passage of a bill to that effect.

L. Q. JEFFRIES, Commander,

Attest: SAMAUUEL G. TRINE, Adjutant.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Colonel Peck Post, No. 67, Department of Dakota, Grand Army of the Republic, it was resolved that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

T. B. DAVIS, Commander.

Attest: WM. TAYLER, Adjutant.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and

WHEREAS, such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can, if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hugh's Council Bill No. 2 and Collin's Council Bill No. 6.

D. J. MCGOWAN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

GENTLEMEN: The undersigned citizens of Dakota respectfully petition your honorable bodies for the passage of House Bill No. 147, entitled "An act, etc., for the purchase of seed grain."

We base our petition upon the following grounds, to-wit:

1. The crop of 1886 in our county was a failure on account of drouth and hail. As a result we are now without seed grain, and also without the means to buy it with.

2. If said law be not passed, thousands of acres will be left untilled; thus visiting on the whole Territory a backset that it will take years to recover from. People will be compelled to remove to other states, thus both impoverishing and depopulating the territory.

3. On account of the following well known fact: In Foster county not a single farmer has any seed oats, and all must be imported. One-fourth of the actual farmers are, in addition, entirely without seed wheat and the means to purchase it. In Wells county the drouth and hail were so severe that in some cases tracts of wheat as large as 300 acres were not cut, and in others not over one-seventh of an average crop was harvested. In regard to seed oats.

the condition of the Wells county farmers is the same as in Foster county.

4. The passage of said law is but following many precedents set by states that to-day rejoice in the wisdom of such acts. It is infinitely more desirable that assistance should come from our home treasury than that Dakota—that proud and glorious empire of the northwest—should be made to act the part of an humble mendicant knocking at the doors of strangers. Let the generous people of all states help poor, suffering Ireland, but let it not be written on the scroll of history that Prosperous Dakota refused to help Blighted Dakota when help was a duty, lest the “whirligig of time” bring its own revenge. The James River Valley was never before without seed grain; the valley of the Missouri has been the banner belt of Dakota at many expositions. Time and money have been spent by these sections, and the benefits flowing from their energy have been shared by the whole Territory. Blight, drouth, hail—yea, and adversity—have no lien on these sections which they are unable to enforce this year against the big crop sections of 1886. It is becoming, therefore, that the hand of brotherly help be extended to your petitioners, that at no future day may there be seen the handwriting upon the wall: “We asked for bread, and ye gave me a stone.”

And we shall ever pray, etc.

ALBERT McHUGH et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Windsor, county of Stutsman do most respectfully and earnestly petition your Honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

A. S. CLOTHIER, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon

women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

A study of the statutes has revealed their utter failure to meet the demands of that newly awakened public sentiment which requires better legal protection for womanhood and girlhood.

Therefore we, the women of the territory of Dakota do most earnestly appeal to you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls. We also urge that the age at which a girl can legally consent to her own ruin be raised to at least eighteen years; and we call attention to the disgraceful fact that protection to the person is not placed by our laws upon so high a plane as protection of the purse.

MRS. D. M. BONE, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectively report that
Council Bill No. 98,

Was this day at 2:50 p. m., delivered to his Excellency the Governor for his approval.

A. W. CAMPBELL,
Chairman, pro tem.

MR. PRESIDENT:

Your Committee on Counties to whom
House Bill No. 55,

Was referred wish to report back the same with the recommendation that the Council concur in the amendments recommended by the Judiciary Committee, which amendments appear in the Council Journal of February 16, 1887, also that said bill be amended by striking out of section 1 of line 12 of the written bill the figures 1883 and insert in lieu thereof the figures 1880, and as so amended recommend that the bill be passed.

S. P. WELLS,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 235,

Introduced by Mr. Dodge—

A bill for an act making appropriations for the maintenance of the North Dakota hospital for insane near Jamestown, Dakota.

Was read the first time.

Council Bill No. 236,

Introduced by Mr. Dodge—

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota,

Was read the first time.

Council Bill No. 237,

Introduced by Mr. Wells—

A bill for an act to amend section 4 of chapter 21 of the Political Code in relation to redistricting counties into commissioner districts,

Was read the first time.

Council Bill No. 238,

Introduced by Mr. McCumber, (by request)—

A bill for an act to provide an allowance to the justices of the supreme court of the Territory of Dakota to defray their traveling expenses, etc.,

Was read the first time.

Council Bill No. 239,

Introduced by Mr. Galloway—

A bill for an act to locate and maintain a territorial normal school department at Tower City, in the county of Cass and Territory of Dakota, in connection with Tower university,

Was read the first time.

Council Bill No. 240,

Introduced by Mr. Grigsby—

A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

Was read the first time.

Council Bill No. 241,

Introduced by Mr. Grigsby—

A bill for an act to reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine.

Was read the first time.

Council Bill No. 242,

Introduced by Mr. Ericson—

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled an act to amend section 3 of chapter 27 of the Political Code,

Was read the first time.

SECOND READING OF COUNCIL BILLS

Council Bill No. 228.

A bill for an act providing a remedy by garnishment in district court in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Campbell introduced the following resolution and moved its adoption:

Resolved, that His Excellency Governor L. K. Church is hereby respectfully requested to allow Council Bill No. 98 to be withdrawn from his possession and returned to the Council without action thereon by him.

The motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled an act to provide for the organization of civil townships, and the government of the same,

Was read the third time.

Mr. Wells moved

That the bill be amended in accordance with the recommendation of the Committee on Counties.

The motion prevailed.

Mr. Harstad moved

That the bill be amended by striking out the words "first day of May" in line six, of section 1, and inserting in lieu thereof the words "fifteenth day of April."

The motion prevailed, and

The question being shall the bill pass, and
The roll being called there were ayes, 13; nays, none;
not voting, 11.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan,
Galloway, Harstad, Martin, McCumber, Sheldon of Hand,
Wells, Mr. President.

Absent and not voting:
Messrs. Cain, Ericson, Foster, Grigsby, Hughes, Lawler,
Mead, Sheldon of Day, Smith, Washabaugh, Weiser.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 150,

A bill for act to amend sections 2, 3, 4, 5, 8 and 9 of chap-
ter 34 of the Laws of 1885, entitled an act to provide for
the incorporation and regulation of building and loan as-
sociations,

Was read the third time and
The question being shall the bill pass and
The roll being called, there were ayes, 13; nays, none;
not voting, 11.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Collins, Dodge, Foster, Galloway,
Grigsby, Harstad, Martin, Sheldon of Hand, Weiser, Wells,
Mr. President.

Absent and not voting:
Messrs. Cain, Campbell, Donovan, Ericson, Hughes, Law-
ler, McCumber, Mead, Sheldon of Day, Smith, Washabaugh.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Council Bill No. 102 (substitute),

A bill for an act to protect game birds,
Was read the third time, and
The question being shall the bill pass and
The roll being called, there were ayes, 9; nays, 7; not
voting, 8.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Campbell, Collins, Foster, Gallo-
way, Grigsby, McCumber, Wells.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Harstad, Martin, Sheldon of Hand, Weiser, Mr. President.

Absent and not voting:

Messrs. Cain, Ericson, Hughes, Lawler, Mead, Sheldon of Day, Smith, Washabaugh.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

The hour for the consideration of the special order having arrived,

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Was read the third time.

Mr. McCumber moved

That the bill be amended by adding to the end of section 5: "One-third ($\frac{1}{3}$) thereof shall be retained for the use of the territory and the remainder shall be apportioned among the counties into, or through which, said lines respectively may be located in proportion to the number of wires and miles of line located in such counties respectively."

The motion prevailed, and

The question being shall the bill pass and

The roll being called. there were ayes, 11; nays, 8; not voting, 5.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Collins, Dodge, Ericson, Galloway, Lawler, McCumber, Mead, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Donovan, Foster, Harstad, Martin, Sheldon of Hand, Wells.

Absent and not voting:

Messrs. Grigsby, Hughes, Sheldon of Day, Smith, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 25, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 239,

A bill for an act entitled an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,

Which has passed the House and your favorable consideration thereof is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 25, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 111,

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Which has passed the House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 25, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 228,

A bill for an act to legalize the acts of the board of county commissioners of McHenry county, Dakota Territory, in laying out, surveying and platting a certain county road in said McHenry county,

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota entitled an act incorporating the city of Mayville, Traill county, Dakota, approved March 13, 1885,

House Bill No. 128,

A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and

Griggs to fund their indebtedness, approved March 12th, 1885,

And
House Bill No. 197,

A bill for an act to provide funds for the purchase of an experimental farm, and the construction of dormitory, shops, laboratory and farm buildings for an agricultural college of Dakota at Brookings, and for other purposes,

Which have passed the House and your favorable consideration of the same is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, }
February 25, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bill, viz:

Council Bill No. 173,

An act creating and defining a subdivision of the Second judicial district.

Respectfully,
LOUIS K. CHURCH,
Governor.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code relating to corporations,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Hughes, Sheldon of Day, Smith, Washabaugh.

So the bill passed and
The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 184,

A bill for an act permitting the construction of bridges
over navigable rivers and providing the manner of pay-
ing for the same,

Was read the third time and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, none;
not voting, 8.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Dono-
van, Ericson, Foster, Galloway, Harstad, Lawler, Martin,
Mead, Sheldon of Hand, Weiser, Mr. President.

Absent and not voting:

Messrs. Allin, Grigsby, Hughes, McCumber, Sheldon of
Day, Smith, Washabaugh, Wells.

So the bill passed and

The question being as to its title, and being put
Its title was agreed to.

Mr. Foster moved

That the further consideration of Council Bill No. 185
be indefinitely postponed.

The motion prevailed.

Council Bill No. 198,

A bill for an act authorizing the incorporation of bank-
ing associations and for regulating the same,

Was read the third time.

Mr. Grigsby moved

That the report of the Committee on Banking thereon
be amended by striking out the words "section 1" where
they occur therein and inserting in lieu thereof the words
"section 2."

The motion prevailed.

Mr. Grigsby moved

That the bill be amended in accordance with the recom-
mendations of the report as amended.

The motion prevailed.

Mr. Grigsby moved

That further consideration of the bill be postponed until
to-morrow.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Campbell moved

That the rules be suspended and that all House Bills on their first reading this day be read a first and second time and referred to appropriate committees.

The motion prevailed.

House Bill No. 197,

A bill for an act to provide funds for the purchase of an experimental farm, and the construction of dormitory, shops, laboratory and farm buildings for the agricultural college of Dakota at Brookings and for other purposes,

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No. 128,

A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness approved March 12, 1885,

Was read the first and second time and
Referred to the Committee on Revenue.

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dakota," approved March 13, 1885,

Was read the first and second time and
Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 239,

A bill for an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 228,

A bill for an act to legalize the acts of the Board of County Commissioners of McHenry county, D. T., in laying out and platting a certain county road in said McHenry county,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 2,

A bill for an act to amend an act entitled "An act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory,"

Was read the second time and

Referred to the Committee on Railroads.

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the governor and territorial board of health,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 46.

A bill for an act to oblige county treasurers to register warrants without charge,

Was read the second time and

Referred to the Committee on Revenue.

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Sessions Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill, No. 95,

A bill for an act establishing a territorial Horticultural Society and making an appropriation for the encouragement of horticulture and forestry,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Was read the second time, and

Referred to the Committee on Appropriations.

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing amount of license for sale of intoxicating liquors,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 198,

A bill for an act to amend the charter of Groton collegiate institute,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. McCumber moved

That House Bill No. 172,

A bill for an act to define the boundaries of Ward and Renville counties,

Be recommitted to the Committee on Counties.

The motion prevailed.

Mr. Collins moved

That the Council adjourn.

The motion prevailed and

The president announced

That the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FORTY-SEVENTH DAY.

BISMARCK, February 26, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names except Messrs. Hughes, Sheldon of Day, and Washabaugh.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions and communications were presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Hunter, county of Cass do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

A. H. WALKER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Drayton, county of Pembina, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification; and, if the people shall so ratify, providing further that the governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JAMES DEVLIN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Hillsboro, county of Traill, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

P. L. BERVIG, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota,

and whose postoffice address is Winthrop, county of Beadle, do most respectfully and earnestly petition your Honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

B. S. NEWCOMB, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice is Sanborn, County of Barnes, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. W. DONALD,
And 84 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Toronto, county of Deuel, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the the 4th day of July, 1887. And thus your petitioners will ever pray.

N. P. HANSON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota and whose postoffice address is Parker, county of Turner, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture

and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

HARLEY BENEDICT, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Grandin, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, prosiding further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th of July, 1887. And thus your petitioners will ever pray.

CHARLES A. MARTIN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Chamberlain, county of Brule, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. C. KEENEY, et al.

To the President of the Council and Speaker of the House of Representatives:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Kindred, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people; and, if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into

effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

LOREN J. OTTES, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Parker, county of Turner, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

F. C. SMITH, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota: '

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Carthage, county of Miner, do most respectfully petition your honorable Body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

GEO. E. GREEN, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota and whose postoffice address is Ottowa, county of Griggs, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887.

MARTIN JOHNSON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Remness, county of Griggs, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JOHN HOGENSON, et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Flandreau, county of Moody, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

JOHN EASTMAN et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Cooperstown, county of Griggs, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification; and, if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

W. R. WHIDDER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota,

and whose postoffice address is Twin Brooks, county of Grant, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th of July, 1887. And thus your petitioners will ever pray.

JOHN W. JOHNSON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Marvin, county of Grant, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And your petitioners will ever pray.

SPIK OLOF ERSSON, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Mt. Vernon, county of Davison, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

E. A. JONES, JR., et al.

To the Honorable the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Norman, County of Cass, Territory of Dakota, do most respectfully and earnestly petition your honorable body to pass a stringent law pro-

hibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

NILS O. BRAKKE. et al.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 109,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Have had the same under consideration and report the same with recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

House Bill No 71,

A bill for an act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,

Has had the same under consideration and instructed me to recommend

That the bill do not pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

We, your Committee on Appropriation beg leave to report as follows:

That we have examined
Council Bill No. 159,

And we do respectfully recommend the passage of the same, with the following amendments:

1. After the words "shall then be due," in section three, line ten, add the words "and the said treasurer in his discretion may," and that the word "to" be stricken out where it occurs in the same section and line.

2. That the title be amended by striking out the words "the deficiency." where it occurs therein. and substituting therefor the words "for the erection, heating, furnishing and other purposes."

3. In section one, line one, by striking out the words "the deficiency caused by," where they occur therein, and substituting therefor the word "for."

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing to which was referred

Council Bill No. 125,

Beg leave to report the same back with a recommendation that it do pass.

JOHN CAIN,
Chairman.

MR. PRESIDENT:

We, your Committee on Appropriations, have examined

Council Bill No. 209,

And beg leave to report as follows:

That we would respectfully recommend that the said bill be passed with the following amendments:

That the whole of section 8 be stricken out, and the following substituted therefor:

"On the day advertised for opening of said proposals for building said necessary buildings and furnishing the same, the board of trustees shall proceed to award the contract or contracts to the highest and best bidder or bidders, reserving the right to reject any and all bids, if in their judgment they are too high, and in such case they may again advertise for proposals, and award such contract or contracts as above provided. Before entering into contracts for the erection of said buildings and furnishing the same, the board of trustees shall require the successful bidder or bidders to enter into bonds in such sum as may be required by the board of trustees and the Governor of the Territory, with good and sufficient sureties, to be approved by the trustees, conditioned for the faithful execution of such contract or contracts."

And that sections 15 and 16 be stricken out, and the following section be substituted for section 15:

SEC. 15. That this act shall be in force and take effect whenever there shall be donated and conveyed to the Territory of Dakota by a good and sufficient warrantee deed of not less than eighty acres of land, to be situated within two miles of the corporate limits of the town of Plankinton, as a site for the said reform school building, the said deed

shall be filed with and approved by the Governor on or before the first day of May, A. D. 1887.

A. W. CAMPBELL,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 26, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 261,

A joint resolution recalling House Bill No. 135 from the
Governor,

Which has passed the House, and your favorable consideration is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

SPECIAL ORDERS.

The special order for this hour,
Council Bill No. 121,

A bill for an act to provide for the incorporation of cities,
Was read the third time.

Mr. Galloway moved

That the bill be amended by inserting after line 245, section 1, article IV:

77. To purchase, erect, lease, rent, manage and maintain any system or part of system of water works, hydrants and supply of water, telegraphing fire signals or fire apparatus that may be of use in the prevention and extinguishment of fires, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected.

The motion prevailed.

Mr. Galloway moved

That the bill be amended by inserting in section 1, article 4, after subdivision 77,

78. To redistrict the city into wards and describe the boundaries thereof whenever a census of the city shall show the population to be large enough to require two

aldermen more than are in the council at the time taking of such census.

The motion prevailed.

Mr. Galloway moved

That the bill be amended by the adoption of the following:

ARTICLE XVII.

SECTION 1. Any city now existing in this Territory that shall become incorporated under this act may extend its corporate limits in the manner hereinafter provided.

SEC. 2. When a majority of property owners adjacent to the corporate limits of any city now existing in this Territory, petition the mayor and city council of said city to have any of their property included within the corporate limits of said city, it shall be the duty of said city council to publish said petition in the official paper of said city, four consecutive weeks, and unless a written protest, signed by at least twenty-five property owners of said city be filed with the mayor of said city, opposing said proposed annexation, within ten days after the publication of said petition, said proposed annexation shall be included and become a part of the corporation of said city.

SEC. 3. The mayor of any city incorporated under this act shall cause to be filed in the office of the register of deeds, in the county wherein said city is located, a plat showing the corporate limits and boundaries of his city at the time of its incorporation under this act, and any change in said city limits made subsequent to its incorporation under this act.

Renumber the following articles.

The motion prevailed.

Mr. Foster moved

That the bill be amended as follows:

In article 13—Elections—page 53, section 2, after the word "purposes," in line four, add the following:

"And whenever the number of legal voters in any two or more contiguous wards shall not exceed one hundred, as determined by the last annual election, the council may by ordinance consolidate such two or more wards into one precinct for voting purposes."

The motion prevailed.

Mr. Foster moved

That the bill be amended by striking out the words "one

thousand" in line five, article 18, section 2 of page 120, written bill, and inserting in lieu thereof the words "five hundred."

The motion prevailed.

Mr. Collins moved

That section 6, article 2, on page 6, be stricken out.

The motion prevailed.

Mr. Collins moved

That there be inserted in section 7, article 2, after the words "by him," the words "by and with the consent of the council."

The motion prevailed.

Mr. Ericson moved

That further consideration of the bill be postponed until Monday.

The motion was lost.

Mr. Ericson moved

That the vote by which section 6, article 2 was stricken out be reconsidered.

The motion prevailed and

The question recurring on the motion that the section be stricken out,

The motion was lost.

Mr. Ericson moved

That the second proviso in subdivision 35 of section 1, article 4 be stricken out, and

The ayes and nays being required, and

The roll being called, there were ayes, 10; nays, 11; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Ericson, Grigsby, Harstad, Martin, Mead, Sheldon of Hand, Smith.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Foster, Galloway, Lawler, McCumber, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Hughes, Sheldon of Day, Washabaugh.

So the motion was lost.

Mr. Dodge moved

The previous question and it being ordered and

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 8; not voting, 3.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Donovan, Foster, Galloway, Grigsby, Lawler, McCumber, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Ericson, Harstad, Martin, Mead, Sheldon of Hand.

Absent and not voting:

Messrs. Hughes, Sheldon of Day, Washabaugh.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

Mr. Ericson moved

That the rules be suspended and House Bill No. 261 be read and put upon its passage.

The motion prevailed, and

House Bill No. 261,

A joint resolution recalling House Bill No. 135 from the governor,

Was read three several times and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Hughes, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

The special order for this hour

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the district and circuit courts of the United States,

Was read the third time.

Mr. Dodge moved

That its further consideration be postponed until Monday next at 3 o'clock, and

The ayes and nays being required, and

The roll being called there were ayes, 10; nays, 11; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Foster, Galloway, Harstad, Lawler, McCumber, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Collins, Ericson, Grigsby, Martin, Mead, Sheldon of Hand, Smith, Weiser; Wells.

Absent and not voting:

Messrs. Hughes, Sheldon of Day, Washabaugh.

So the motion was lost.

Mr. Dodge moved

That the bill be amended by striking out the words "Mitchell" and "Davison" in section 1 and inserting in lieu thereof the words "Huron" and "Beadle."

Mr. McCumber moved

That the bill be amended by striking out the word "Mitchell" in section 1 and inserting in lieu thereof the word "Sioux Falls."

The motion was lost

Mr. McCumber moved

That the bill be amended by striking out the word "Mitchell" in section 1 and inserting in lieu thereof the word "Jamestown," and

The ayes and nays being required, and

The roll being called, there were ayes, 6; nays, 15; not voting, 3.

Those who voted in the affirmative were:

Messrs. Dodge, Galloway, Harstad, Lawler, McCumber, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Grigsby, Martin, Mead, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Hughes, Sheldon of Day, Washabaugh,

So the motion was lost.

Mr. Smith moved

A call of the House, and the call being seconded and the roll called, the members all responded to their names except Messrs. Hughes and Washabaugh, who were absent on business of the Legislative Assembly, and Messrs. Collins and Sheldon of Day.

Mr. Dodge moved

That further proceedings under the call be dispensed with, and

The ayes and nays being required, and

The roll being called there were ayes, 18; nays, 2; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Donovan, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Ericson.

Absent and not voting:

Messrs. Collins, Hughes, Sheldon of Day, Washabaugh.

So the motion prevailed.

The question being shall the bill pass, and

The roll being called, there were, ayes, 8; nays, 12; not voting, 4.

Those who voted in the affirmative were:

Messrs. Campbell, Dodge, Donovan, Foster, Galloway, Harstad, Lawler, McCumber.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Collins, Ericson, Grigsby, Martin, Mead, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Hughes, Washabaugh.

Mr. Sheldon of Day, and Mr. President being paired.

So the bill was lost.

Mr. Smith moved

That the vote by which the bill was lost be reconsidered and that the motion to reconsider lie on the table.

The latter motion prevailed.

EXECUTIVE SESSION.

Mr. Galloway moved

That the Council go into executive session.

The motion prevailed, the doors were closed and the Council spent some time in executive session.

After the doors were opened

Mr. Campbell moved

That the rules be suspended and that the Committee on Counties be permitted to make a report.

The motion prevailed, and

The Committee on Counties reported as follows:

MR. PRESIDENT:

Your Committee to whom

House Bill No. 239,

Was referred, would respectfully report and recommend that the same do pass.

S. PITT WELLS,
Chairman.

Mr. Campbell moved

That the rules be suspended and that House Bill No. 239 be read a third time and put on its passage.

The motion prevailed, and

House Bill No. 239,

A bill for an act entitled an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were, ayes, 17; nays, 1; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Grigsby, Lawler, Martin, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Collins, Harstad, Hughes, McCumber. Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr Foster moved

That the vote by which
Council Bill No. 102

Was yesterday passed be reconsidered.
The motion prevailed.

Mr. Foster moved

That further consideration of that bill be postponed until Wednesday.

Mr. Galloway moved

That the bill be recommitted to a special committee of which Mr. Foster should be chairman.

The motion prevailed and

The President appointed as such committee Messrs. Foster, Grigsby and McCumber.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 243,

Introduced by Mr. Smith,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane for the years 1887 and 1888,

Was read the first time.

Council Bill No. 244,

Introduced by Mr. Grigsby,

A bill for an act to amend certain sections of the Political Code relating to sale of lands for taxes,

Was read the first time.

Council Bill No. 245,

Introduced by Mr. Weiser—

A bill for an act relating to assignees, to amend section 2042 of title 3 of part II of the Civil Code,

Was read the first time.

Council Bill No. 246,

Introduced by Mr. Ericson—

A bill for an act amending section 37 of chapter 1 of the Justices' Code of Dakota,

Was read the first time.

Council Bill No. 247,

Introduced by Mr. Ericson—

A joint resolution to provide for the payment of extra compensation to the chief clerk of the Tenth and Eleventh Sessions of the Legislative Assembly of Dakota,

Was read the first time.

Council Bill No. 248,

Introduced by Mr. Harstad—

A bill for an act to amend section 1 of chapter 45 of the General Laws of 1885,

Was read the first time.

Council Bill No. 249,
Introduced by Mr. Donovan—

A bill for an act defining the boundaries of Cavalier county and for other purposes,

Was read the first time.

Council Bill No. 250,
Introduced by Mr. Foster—

A bill for an act dividing the Territory of Dakota into two educational districts, providing for the election and fixing the salaries of district school superintendents, and abolishing the office of territorial and assistant superintendents of public instruction,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 227,

A joint resolution to provide funds for the payment and settlement of a territorial debt or obligation contracted by the Legislative Assembly of 1872-3, entitled a joint resolution providing for and the election of a public printer for the Legislative Assembly and the Territory of Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 230,

A bill for an act making appropriation for the maintenance of the school of deaf mutes at Sioux Falls,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 232,

A bill for an act to amend section 7, of chapter 43, of the General Laws of 1883,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 233,

A bill for an act providing for the filing and recording of chattel mortgages by township and city clerks,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 234,

A bill for an act to fix the compensation of judges of the probate court, and provide a fund for the payment of the same,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota hospital for insane near Jamestown, Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 237,

A bill for an act to amend section 4 of chapter 21 of the Political Code in relation to redistricting counties into commissioner districts,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 238,

A bill for an act to provide an allowance to the justices of the supreme court of the Territory of Dakota to defray their traveling expenses, etc.,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 239,

A bill for an act to locate and maintain a territorial normal school department at Tower City, in the county of Cass and Territory of Dakota, in connection with Tower university,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 240,

A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 241,

A bill for an act to reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 242,

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled an act to amend section 3 of chapter 27 of the Political Code,

Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 198,

A bill for an act authorizing the incorporation of banking associations, and for regulating the same,

Was read the third time.

Mr. Grigsby moved

That the bill be amended in subsection 5 of section 2 by inserting after the word "sued" in the twenty-second line of said section 2, the following:

To elect or appoint directors, and by its board of directors to appoint a president, vice president, cashier and assistant cashier and other officers, define their duties, require bonds of them and fix the penalties thereof, dismiss such officers or any of them at pleasure and appoint others to fill their places, to prescribe by-laws not inconsistent with law.

And by inserting after the word "association" in the first line of section 4, where it occurs therein, the following:

"By its duly authorized officers or agents."

And by striking out all of section 4 after the word "business" where it occurs in seventh line thereof.

And by striking out the word "as" where it occurs in the third line of section 5 and inserting in lieu thereof the word "or."

And by adding after the end of the fourteenth line of section 9 the words "board of directors of the"

And by adding to section 16 the following:

"Provided that all banks having a corporate existence

under the laws of this Territory doing a mortgage, loan and real estate business that do not receive deposits or sell exchange shall be and are hereby excepted from the provisions of this section."

The motion prevailed and

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Martin, Mead, Sheldon of Hand, Weiser, Wells, Mr. President.

Absent and not voting

Messrs. Donovan, Foster, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Smith, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Foster moved

That Council Bill No. 222,

Be recalled from the Committee on Judiciary and

Referred to the Committee on Cities and Municipal Corporations.

The motion prevailed.

Mr. Donovan moved

That the rules be suspended and that the Council proceed to consider House Bill No. 55.

The motion prevailed, and

House Bill No. 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof,

Was read a third time.

Mr. Ericson moved

That the bill be amended as recommended by the Committee on Counties.

The motion prevailed.

Mr. Bogert moved

That the bill be amended as to the compensation of the treasurer by inserting before the words "one per cent." in line 2 of section 5 the words "one-half of."

Mr. Grigsby moved
 That the bill be so amended that the treasurer shall receive no compensation.
 Mr. Dodge moved
 That the Council adjourn.
 The motion prevailed, and
 The president announced that the Council stood
 Adjourned.

T. A. KINGSBURY,
 Chief Clerk.

FORTY-NINTH DAY.

BISMARCK, February 28, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After Prayer by the chaplain,
 The roll was called and the members all responded to their names.

The Journal of Saturday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions and communications were presented and

Referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Wessington Springs, county of Jerauld, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

WILLIAM PAGENHART, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice is Steele, County of Kidder, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

EMMA G. PARKER,
and 74 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Glenullin, county of Morton, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the the 4th day of July, 1887. And thus your petitioners will ever pray.

CHAS. A. MACK,
and 49 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Fargo, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

D. W. SUTHERLAND,
and 154 others.

To the Honorable the Legislative Assembly of the Territory of Dakota :

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Mayville, county of Traill, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

C. J. ROBERTSON,
and 84 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Casselton, county of Cass, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And your petitioners will ever pray.

FRANK LYNCH,
and 176 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Bellville county of Grand Forks, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

THOMAS CHAMBERS,
and 11 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Yankton, county of Yankton, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification; and, if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

H. H. SMITH,
And 48 others.

The following petitions were presented and referred to the Committee on Railroads:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned farmers and business men of Traill county, do most respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins bill," that it may become a law during this session of the legislature. We consider this measure a wise one in all of its provisions, giving the people relief from the most grievous burdens known to our Territory. Railroad discrimination and extortion constitutes the question of the day. These abuses with that of the elevators have entered into the discussions of every meeting of the farmers of this Territory for three years past. We have asked and prayed that our representatives give us relief from these great burdens imposed by the few upon the many for three years past, and yet a deaf ear has been turned to our reasonable demands, and during all this time the producers witness their hard earnings passing into the coffers of the rich corporations, and while the latter are growing richer the farmers are growing poorer from year to year. We hope your honorable body will not repeat the action of your predecessors but will improve your great opportunity in giving a suffering people what is justly their due.

GEO. E. BOWERS,
And 87 others.

To the Honorable the Legislative Assembly of the Territory of Dakota:

WHEREAS, the unreasonable and unjust discrimination and extortionate rates of railroad corporations constitute the burden of grievances experienced by the producing classes of this Territory, and

WHEREAS, Council Bill No 168, known as the "Collins bill," will more nearly meet the needs and afford the relief desired.

Therefore, we the undersigned farmers of the town of Brenna, county of Grand Forks, urgently request that your honorable body do pass the said bill and thereby serve the best interests of your constituents and gratify their earnest desire. And thus we will ever pray.

AMUND A. BOE,
And 28 others.

REPORTS OF STANDING COMMITTEES.

The following reports from standing committees were submitted:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 237,

Report that they have had the same under consideration and recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

The Committee on Cities and Municipal Corporations, to whom was referred

House Bill No. 200,

Beg leave to report upon the same and recommend that the same do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

Council Bill No. 70,

Has had the same under consideration and recommend that the bill do pass with the following amendments,

That section fourteen (14) be amended so as to read as follows: "The territorial board of health shall have power upon proper proof to cancel any license that has been is-

sued to any person to practice medicine where such license has been obtained by fraud, or where the person holding such license shall be guilty of immoral practices, is a habitual drunkard, or is guilty of grossly unprofessional conduct."

Section 16 shall be amended by striking out the words "or incorporated town" and inserting in lieu thereof the words "of fifteen hundred or more inhabitants."

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations beg leave to submit the following report:

That we have examined
House Bill No. 146,

And we do respectfully recommend that the same be passed with the following amendment:

That the word "sixteen," where it occurs in section 1 of said bill, be stricken out, and the word "twenty" be inserted in lieu thereof, so that the same shall read "twenty thousand dollars."

Also, that we have examined
Council Bill No. 229,

And we recommend the passage of the same with the following amendments:

All of section 7, after the words "as follows" where they occur therein, down to the word "ninth" in the same section, be stricken out, and inserting in lieu thereof the following:

First. For purchasing land for said school of deaf mutes the sum of three thousand dollars.

Second. For building shop, the sum of three thousand dollars; for purchasing a printing outfit, one thousand dollars; for purchasing one complete set, each of the following kinds of tools, viz.:

Tinners', shoemakers', cabinetmakers' and tailoring, one thousand dollars.

Third. For building a laundry, two thousand dollars.

For machinery for laundry, eight hundred dollars.

For bath rooms, four hundred dollars.

For drying room and sewerage, thirteen hundred dollars.

Fourth. For purchasing steam heating apparatus, two thousand dollars.

Fifth. For building barn, fifteen hundred dollars.

For three horses, three hundred and seventy-five dollars.

For five cows, one hundred and twenty-five dollars.

For harness, seventy-five dollars.

For carriage, one hundred and seventy-five dollars.

For pig pen, etc., two hundred and fifty dollars.

Sixth. For grading and setting out trees, one thousand dollars.

Seventh. For repairing cracked walls, painting main building, purchasing range, and miscellaneous fund, two thousand dollars.

Eighth. For water and fire protection, laying water and gas pipes to the school and placing such pipes in all the buildings, five thousand dollars,

All of which we respectfully submit.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT.

Your Committee on Education, to whom
Council Bill No. 163

Was referred, have had the same under consideration, in joint session with the Committee on Education of the House of Representatives, and wish to report back the said Council Bill No. 163, with the following amendments. and as so amended, recommend that the bill be passed:

To amend section 1 by inserting in line 5, after the word "instruction," the words "who shall be president thereof;"

Also, strike out of line 5 the word "four," and insert in lieu thereof the word "two;"

Also, strike out of line 10 the words "two of;"

Also, make the word "members," in line 11, read "member;"

Also, in line 12, strike out the word "their," and insert in lieu thereof the word "his," and make the word "successors" read "successor," and in same line strike out the word "are," and insert in lieu thereof the word "is;"

Also, in line eighteen strike out the word "two" and insert in lieu thereof the word "one," and strike out in same line the word "four" and insert in lieu thereof the word "two."

Also, in line twenty-one, strike out the word "three" and insert instead the word "two."

Also, in line twenty-four, strike out the words "the secretary thereof" and insert the words "order of the president."

To amend section 2, by striking out of subdivision 1, line three, the words "president and" and insert after the word "vice president" in same line the words "and a secretary."

Also, to strike out of line thirteen, subdivision 4, the words "to appoint a clerk and fix his salary," and insert in lieu thereof the words "to employ clerical assistance at an expense."

Also, to strike out all of line fourteen after the word "shall," and including the first "and" in line fifteen.

Also, to strike out all of subdivision 4 after the word "prescribe" in line sixteen.

Also, add to end of subdivision 6 the words following: "Provided further, for the purpose of making such selection of text books, the governor and attorney general shall be ex-officio members of the board."

Also, to insert in line thirty-one, after the word "expense," the words "not to exceed \$3,000 per year" and in lines thirty-one and thirty-two strike out the word "incumbent" and insert instead the word "incurred."

Also to insert in line 60 before the word "certificate" the words "professional or normal."

Also to strike out of line 107 the words "one thousand (1,000)" and insert instead the words "fifteen hundred (1,500)."

Also to strike out all of line 107 after the words "per annum" and to strike out all of line 108.

To amend section 3 by striking out of line 5 the word "suitable" and insert instead the word "eminent."

Also by striking out all of said section after the word "qualifications" in line 5.

To amend section 4 by striking out of line 2 the words "member and secretary" and insert instead the word "president."

Also by striking out of lines 6 and 7 the words "two thousand (2,000)" and insert in lieu thereof the words "twenty-five hundred (2,500)."

Also by striking out all of said section after the word "year" in line 7.

To amend section 5 by striking out of lines 1 and 2 the words "subject to appeal to the territorial board of education."

Also to strike out all of said section after the word "dispute" in line 8.

Strike out all of section 8.

To amend section 11 by inserting in line four, after the

word "years," the words "and an equitable system of exchange of old books of a similar grade for the ones prescribed."

To amend section 12 by striking out all of said section, after the word "present" in line seven. To add to said section, "provided that no territorial certificate shall hereafter be issued by any Normal school in the Territory."

To amend section 13 by inserting in line three, after the word "board" the following: "Except where a subdistrict includes or is composed of an incorporated city, town or village, and in such cases such subdistrict shall elect in the same manner as many directors as it has departments regularly employing separate teachers, and the said directors shall be members of the township board, and constitute the board of education of such subdistrict, which board shall have the same power as the directors of other subdistricts."

Also, to strike out all of line seven, after the word "school room" and as far as and including the word "etc." in line eight.

To amend section 16 by striking out all of lines eleven and twelve to and including the word "township" in line thirteen.

To amend section 20 by adding at the end of said section the following: "Should the district attorney after receiving the information from such officer neglect to prosecute any such offender for a period of two months, or should he refuse to prosecute, the attorney general of the Territory shall have power, upon being notified of such neglect or refusal, to prosecute or to direct prosecution in any such action."

To amend section 31 by inserting in line 3 after the word "notice" the words "of such meeting and its purpose."

Also by inserting before subdivision 3 in line 17 the following: "Upon a vote of the majority of the electors of any subdistrict."

To amend section 32 by inserting in 3 after the word "purposes" the words "to be known."

To amend section 33 by striking out of lines 7 and 8 the word "they" wherever it occurs and insert instead the word "him."

To amend section 35 by inserting in line five before the word "incompetent" the words "those who are;" also, by striking out of line nine the word "about" and insert instead the words "relating to."

To amend section 36 by striking out of line fifteen the words "a similar," and in same line make the word "map" read "maps;" also, by inserting after the word "maps" in line fifteen the following: "of their respective districts."

To amend section 38 by striking out of line three the word "as" and insert instead the word "for."

To amend section 40 by striking out all of said section from the word "superintendent" in line four down to and including the word "education" in line eight.

To amend section 43 by striking out of line three the word "organized" and insert instead the word "governed."

To amend section 45 by striking out all of said section after the word "people" in line 6, and insert in lieu thereof the following: "When ever a settlement having twenty-five or more children of school age is divided by a township line, and the nearest school in the two practically exclude the children therein from convenient school privileges, such settlement shall be created into a subdistrict and attached to the township in which the majority of the school population in such subdistrict reside. To effect this it shall be the duty of the school boards of the two townships to cooperate, and each board shall do and perform all acts necessary to carry the provision into effect. When such subdistrict is created it shall form a permanent part of the township to which it is attached, and become subject to the same conditions and law."

To amend section 46 by striking out of line eight the word "elected" and insert instead the word "chosen."

To amend section 49 by striking out of line three all after the word "by" down to and including the word "elections" in line four. and inserting in lieu thereof the following: "Some resident of the proposed township, to be elected by the board of county commissioners."

To amend section 54 by striking out of line six the number "25" and insert instead the number "10."

To amend Sec. 64, by inserting in line 9 after the word "superintendent," the following: "And the board shall cause to be posted or published, an itemized statement of the receipts and expenditures for the preceeding year."

By inserting between the lines 11 and 12 the following line:

"The balance at close of last year."

To amend section 67, by striking out of line 8 the word "corporation," and insert instead, the word "corporations."

Strike out all of section 68.

To amend section 69, by striking out of line 1, the word "two" and making the word "sections" in same line read "section."

To amend section 89, by striking out of lines 9 and 10 the words "including board."

Strike out all of section 93.

To amend section 103, by inserting in line 5, after the word "township," the word "shall."

To amend section 104, by striking out all of line 3, to, and including the word "suspension" in line 4.

To amend section 108, by striking out of line 7, the word "are" and insert instead the word "be."

To amend section 119, by striking out of line 21, the word "of" and insert instead the word "by."

To amend section 124 by adding to the end of said section the following: "In such case the county superintendent shall, upon petition of a majority of the legal voters within the proposed district, call the first election thereof, by posting notices in not less than three of the most public places within it, which notice shall contain a full description of the boundaries of such proposed district besides the time and place of holding the election and the names and number of offices to be filled."

To amend section 130 by inserting before said section the following: "when any city or town is divided into wards," by striking out of lines one and three the word "city" wherever it appears.

Also, by inserting in line 9 after the word "cities" the following, "and in all cities and towns not divided into wards."

By inserting in line 10 after the word "are" the words "members of the council or board of" and by striking out of line 10 the words "town or village" and insert in lieu thereof the words "corporation"

To amend section 140 by striking out of line 4 the word "eight," and insert instead the word "thirty."

To amend section 162 by inserting in line 1, after the word "except" the following: "Those governing cities, towns, villages and independent districts," and by striking out of line 2 the word "and."

That the bill be amended by renumbering the sections so that they may correspond with the amendments recommended.

E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
 Council Bills Nos. 17, 111, 188, 130, 9 and 148
 Properly enrolled.

C. D. MEAD,
 Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
 Council Bills Nos. 17, 111, 188, 130, 9 and 148
 Deposited with his Excellency, Governor L. K. Church,
 February 28, A. D. 1887, at 3 o'clock p. m.

C. D. MEAD,
 Chairman.

SPECIAL ORDERS.

The special order for this hour
 House Bill No. 48, substitute,
 A bill for an act to prohibit the sale of intoxicating
 liquors by local option,
 Was taken up.

Mr. McCumber moved

That the report of the committee thereon submitted the
 23d be not adopted.

The motion prevailed.

Mr. Washabaugh moved

That the bill be returned to the House of Representa-
 tives for their consideration in relation to its engross-
 ment.

The motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House
 of Representatives:

HOUSE OF REPRESENTATIVES. }
 February 28, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House
 has concurred in Council amendments to
 House Bill No. 60,

A bill for an act to provide for the assessment and taxation of telegraph companies.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 28, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 187,

A bill for an act to amend section 112, of the justices code of the Territory of Dakota,

House Bill No. 224,

A bill for an act to amend subdivisions one and two, of section five, of chapter 84, of the general laws of 1881,

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

House Bill No. 216,

A bill for an act providing funds for the construction of a dormitory and wing of main building of the University of Dakota and for other purposes,

House Bill No. 59,

A bill for an act entitled "an act establishing a territorial university at Aberdeen."

House Bill No. 226,

A bill for an act to amend section 2, of chapter 26, of the Political Code,

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

House Bill No. 238,

A bill for an act entitled an act to change the name of the Dakota Brokerage and Investment Co., of Sioux Falls,

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,

House Bill No. 245,

A bill for an act to enable cities and municipal corpor-

ations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus,

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish Normal School and for other purposes.

And House Bill No. 287,

A bill for an act to amend section 77, of subchapter 1, of chapter 112. of the general laws of 1883, relating to the town board of auditors,

Which have passed the house, and your favorable consideration is requested. Very respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Donovan moved

That the rules be suspended and that the House proceed with the consideration of

House Bill No. 55,

A bill for an act entitled "an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the interest and principal thereof,"

The motion prevailed.

The pending question being on the motion of Mr. Grigsby, that section 5 be so amended that no commission be allowed the treasurer,

The motion was lost.

The question then being on the motion of Mr. Bogert that the words "one-half of" be inserted after the word "of" in line two of section 5,

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, 1; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:
Messrs. Campbell, Dodge.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 251,
Introduced by Mr. Campbell—

A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dakota, in September 1885,

Was read the first time.

Council Bill No. 252,
Introduced by Mr. Allin—

A bill for an act creating and defining the boundaries of the county of McCormack, and for other purposes,

Was read the first time.

Council Bill No. 253,
Introduced by Mr. Ericson—

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns, to refund outstanding bonded indebtedness,

Was read the first time.

Council Bill No. 254,
Introduced by Mr. Ericson—

A bill for an act for the relief of Isaac Montague,
Was read the first time.

Council Bill No. 255,
Introduced by Mr. Ericson—

A bill for an act for the relief of Victor Montague,
Was read the first time,

Council Bill No. 256,
Introduced by Mr. Wells—

A bill for an act to provide funds for the maintenance of the school of mines at Rapid City, Dakota, for the ensuing two years,

Was read the first time.

Council Bill No. 257,
Introduced by Mr. Mead—

A bill for an act providing for the distribution of the Dakota supreme court reports,

Was read the first time.

Council Bill No. 258,
Introduced by Mr. Mead—

A bill for an act to amend articles of incorporation,
Was read the first time.

Council Bill No. 259,
Introduced by Mr. Mead—

A bill for an act providing the manner for taxing stocks
and shares of banks and bank associations and collecting
tax from the same,

Was read the first time.

Council Bill No. 260,
Introduced by Mr. Collins—

A bill for an act providing for the insurance of public
buildings,

Was read the first time.

Council Bill No. 261,
Introduced by Mr. Collins—

A bill for an act relating to exemptions for boarding,
Was read the first time.

Council bill No. 262,
Introduced by Mr. Collins—

Joint resolution and memorial to congress, for the divi-
sion of the Bismarck land district,

Was read the first time.

Council Bill No. 263,
Introduced by Mr. Ericson—

A bill for an act to amend chapter 75 of the General
Laws of 1883, in regard to drainage, as amended by chapter
47 of General Laws of 1885,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 243,

A bill for an act making an appropriation for maintain-
ing the Dakota Hospital for the Insane for the years 1887
and 1888,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 244,

A bill for an act to amend certain sections of the Politi-
cal Code relating to sale of lands for taxes,

Was read the first and second time and

Referred to the Committee on Revenue.

Council Bill No. 246,

A bill for an act amending section 37 of chapter 1 of the Justices' Code of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation to the chief clerk of the Tenth and Eleventh Sessions of the Legislative Assembly of Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 248,

A bill for an act to amend section 1 of chapter 45 of the General Laws of 1885,

Was read the second time

Referred to the Committee on Judiciary.

Council Bill No. 249,

A bill for an act defining the boundaries of Cavalier county and for other purposes,

Was read the second time and

Referred to the Committee on Counties.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 28, 1887. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 102,

A bill for an act to protect game birds,

As per your request of this date.

Respectfully,

W. G. EAKINS,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 28, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 269,

A joint resolution providing for the appointment of a joint committee of five on apportionment,

Which has passed the House, and your favorable consideration is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 125,

A bill for an act providing for certain legal printing and fixing the compensation therefor,

Was read the third time.

Mr. Ericson moved

That section 2 be stricken out.

The motion was lost.

Mr. Mead moved

That the bill be amended by adding at the end of line 20, section 2, the following: "Provided that in counties having more than one political party the proceedings shall not be published in more than two newspapers of the same political party."

The motion was lost.

Mr. Ericson moved

That section 1 be amended by striking out all from the words "in all cases" in line 9 the words "shall be published" in line 12.

Mr. Smith offered as a substitute motion

That the words "except in divorce cases" be inserted after the word "plaintiff" in line 11 of the section.

The substitute was adopted and

The motion to amend then prevailed.

Mr. Smith moved

That the bill be further amended by striking out in section 4 the following words: "that the full amount prescribed by law for the publication of such notice has been paid."

The motion prevailed.

Mr. Ericson moved

That the words "commencement of action in court or," in line ten, section 1, be stricken out.

The motion was lost.

Mr. Campbell moved

That the word "thereof," in line eight, section 4, be

stricken out and the words "of the fees therefor" be inserted in lieu thereof.

The motion prevailed.

Mr. Grigsby moved

That the word "legal," in line three, section 3, be stricken out, the word "charged" be inserted after the word "for," in the same line, and that the words "which shall be computed at legal rates" be stricken out in line nine, in the same section.

The motion prevailed, and

The question then being shall the bill pass and

The roll being called, there were, ayes, 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Grigsby, Lawler, Mead, Sheldon of Hand, Smith, Washbaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Galloway, Harstad, Hughes, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Martin, McCumber.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson moved

That when the Council adjourn it be to meet at 10 o'clock to-morrow.

The motion was lost.

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota reform school at Plankington, Dakota, and for other purposes,

Was read the third time.

Mr. Collins moved

That the report of the Committee on Appropriations be adopted.

The motion prevailed.

Mr. Lawler moved

That the bill be amended as follows:

Amend section 1 so as to read as follows:

Section 1. That for the purpose of providing funds to

pay the cost of erecting, heating and furnishing necessary buildings for the Dakota Reform School at Plankinton in this Territory, bonds of this Territory shall be issued to the amount not to exceed \$30,000, in denominations of \$500 each, bearing date the 1st day of May, 1887, running for a term of twenty years and payable at the option of the Territory at any time after ten years from the date of the same and bearing interest at the rate of five per cent. per annum with coupons attached, payable semi-annually on the first days of July and January of each year at some place in New York city to be specified in said bonds. Such bonds shall be executed for the Territory and under the seal thereof shall be signed by the Governor and shall be attested by the secretary and negotiated by the treasurer.

Strike out in line three, section 6, the word "any," and insert in lieu thereof the word "and."

In line four, section 6, add after the word "building" the words "or buildings."

In line two, section 7, strike out the word "sixty" and insert in lieu thereof the word "thirty."

In line one, section 9, strike out the word "by" and insert in lieu thereof the word "of."

In line three, section 12, strike out the word "regent" and insert in lieu thereof the word "trustees."

The motion prevailed.

The question then being shall the bill pass, and

The roll being called, there were, ayes, 23; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Mr. Dodge.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, }
February 28, 1887. }

To the President of the Council:

I herewith respectfully transmit the report of the joint committee appointed to confer with a like committee from the Legislative Assembly of Montana with reference to the adoption of some common measure or measures for the prevention and suppression of contagious diseases among live stock, and the protection of that industry, which I respectfully submit for your consideration.

Respectfully,

LOUIS K. CHURCH,
Governor.

To the Governor and Legislative Assembly:

Your joint committee appointed to confer with a like committee from the Legislative Assembly of Montana with reference to the adoption of some common measure or measures for the prevention and suppression of contagious diseases among live stock and the protection of that industry, have the honor to report that in the performance of the duties assigned them proceeded to Helena, where they met the Montana committee, the officers of the Montana Stock Growers' association, the board of stock commissioners and many of the leading stock growers of that country. The parties above mentioned met at the rooms of the Stock Growers' association on Tuesday morning, the 22d inst., and organized by electing Hon. A. Hughes, of Bismarck, chairman, and J. G. Hamilton, of Grand Forks, secretary. Meetings were continued until 1 o'clock a. m. of Thursday, the 24th of February.

House Bill No. 71, introduced by Mr. Ely, was the first matter considered, and the subjects which provoked the most discussion were:

First. The powers of the veterinary surgeon.

Second. The compensation to be allowed that official, to-wit: Whether he shall be paid a salary or per diem, as House Bill No. 71 provided.

Third. Proper regulations for the inspection of live stock coming into the Territory.

Fourth. Compensation to be given the owner in case of the destruction of animals diseased or suspected of being diseased.

As a result of our deliberations your committee would recommend the passage of the following bills:

A BILL

For an Act to Suppress and Prevent the Spread of Contagious or Infectious Diseases Among Domestic Animals.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That the governor of the Territory is hereby authorized to nominate, and by and with the advice and consent of the council appoint a competent veterinary surgeon, who shall be known as the "veterinary surgeon;" and, on entering on his duties, shall take an oath to well and truly perform his duties, as provided by law.

SEC. 2. The duties of said territorial veterinary surgeon shall be as follows:

1. To investigate any and all cases of contagious or infectious diseases among cattle, horses, mules and asses, in this Territory, of which he may have a knowledge or which may be brought to his notice by any resident in the locality where such disease exists; and it shall be his duty, in the absence of specific information, to make visits of inspection to any locality where he may have reason to suspect that there is contagious or infectious diseases.

2. To inspect, under the regulations of this act, all cattle, horses, mules and asses, which may be brought into this Territory, in any manner whatever, from or through such state, territory, or foreign country, as the governor shall declare by proclamation, in quarantine for purposes of inspection for contagious or infectious diseases. And after the making of such proclamation it shall be the duty of the owner or person in charge of any domestic animals or Texas cattle arriving in this Territory, from or through any state, territory or foreign country, against which quarantine has been declared, to notify the veterinary surgeon without delay, and not to allow such animals, or any of them, to leave the place of arrival until they shall have been examined by the said surgeon, and his certificate obtained that all are free from disease; and no animal pronounced unsound from disease by the veterinary surgeon shall be turned loose, or allowed to run at large, or removed or permitted to escape, but shall be held subject to the order of the veterinary surgeon. Any person failing to comply with this provision shall be deemed guilty of a misdemeanor; and, upon conviction, shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars for each

offense, and shall be liable for any damage and loss that may be sustained by any person or persons by reason of the failure of such owner or agent to comply with the provisions of this section; provided, that the owner of horses, mules or asses, ridden under the saddle or driven in harness into this Territory, or the owner of oxen driven into this Territory under the yoke, and any person coming into this Territory with his own team or teams, shall not be required to notify the territorial veterinary surgeon, or await the inspection of such work-oxen, team, or teams, but he shall be liable for all loss or damage to any person or persons from or by reason of any contagious or infectious disease brought into the Territory by his animals; and no cattle, horses, mules or asses, shall be held in quarantine in this Territory for a longer period than ninety (90) days, unless contagious or infectious disease be found to exist among them.

SEC. 3. In all cases of contagious or infectious disease among domestic animals or Texas cattle in this Territory, the veterinary surgeon shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in this Territory, the territorial veterinary surgeon shall immediately notify the governor of the Territory, who shall thereupon issue his proclamation forbidding any animal of the kind among which said epidemic exists to be transferred from said locality without a certificate from the veterinary surgeon showing such animal to be healthy. The expenses of holding, feeding, and taking care of all animals, quarantined under the provisions of this act, shall be paid by the owner, agent or person in charge of said stock.

SEC. 4. In case of any epidemic diseases where premises have been previously quarantined by the veterinary surgeon as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all diseased animals upon said premises and of all animals that have been exposed to contagion or infection, under the following restrictions: Said order shall be a written one and shall be made in duplicate, and there shall be a distinct order and duplicate for each owner of the animals condemned, the original of each order to be filed by the veterinary surgeon with the governor of the Territory and the duplicate given to said owner. And, further, before slaughtering any animal or animals that

have been exposed only and do not show disease, the veterinary surgeon shall call in consultation with him two respectable practicing veterinarians or physicians, residents of the Territory, or, if this is impossible, then two reputable and well known freeholders, residents of the Territory, and shall have written indorsements upon his order of at least one of said consulting physicians or stock owners, stating that said action is necessary, before such animal or animals shall be slaughtered.

SEC. 5. Whenever, as herein provided, the veterinary surgeon shall order the slaughter of one or more animals, he shall, at the time of making such order, notify in writing, the nearest available justice of the peace, who shall thereupon summon three disinterested citizens, who shall be freeholders of the neighborhood, to act as appraisers of the value of such animals. Said appraisers, before entering upon the discharge of their duties, shall be sworn to make a true and faithful appraisal, without prejudice or favor. They shall, after making their appraisal, return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, ear marks, wattles, age, sex and class, as to whether American, half-breed or Texas) to the justice of the peace by whom they were summoned, who shall, after entering the same upon his record and making an endorsement upon each, showing it to have been properly recorded, return it, together with the duplicate order, of the veterinary surgeon, to the person or persons owning the animals slaughtered; and it shall be the duty of the veterinary surgeon to superintend the slaughter of such animals as may be condemned and also the destruction of the carcass, which latter shall be by burning to ashes, or burying the same, which burial shall not be less than six feet under the ground and shall include every part of the animal, including excrement, as far as possible, and the hide shall be so cut and scarified as to be useless. He shall cause the said slaughter, burning or burial to be done as cheaply as practicable.

SEC. 6. The veterinary surgeon shall make a report, at the end of every year, to the governor, of all matters connected with his work, and the governor shall transmit to the several boards of county commissioners such parts of said report as may be of general interest to the breeders of live stock. The governor shall also give information, in

writing, as soon as he obtains it, to the various boards of county commissioners, of each cause of suspicion or fresh eruption of disease, in each locality. its cause and the measures adopted to check it.

SEC. 7. Whenever the governor of the Territory shall have good reason to believe that any disease covered by this act has become epidemic in certain localities in another state or territory or foreign country, or that conditions exist which render domestic animals and Texas cattle liable to convey disease, he shall thereupon, by proclamation, schedule such localities and prohibit the importation from them of any live stock of the kind diseased into this Territory, except under such restriction as he, after consultation with the territorial veterinary surgeon, may deem proper. Any corporation or any person or persons who, after the publication of such proclamation, shall knowingly receive in charge any such animal or animals from any one of said prohibited districts and transport or convey the same within the limits of this Territory, shall be deemed guilty of a misdemeanor, and upon conviction, be fined not less than \$1,000 and not more than \$10,000 for each and every offense, and shall further become liable for any and all damages and loss that may be sustained by any person or persons by reason of the importation or transportation of such prohibited animals.

SEC. 8. It shall be the duty of any person or persons who shall have or suspect that there is upon his or their premises, or upon the public domain, any case of contagious or infectious disease among domestic animals or Texas cattle, to immediately report the same to the territorial veterinary surgeon, and a failure so to do, or attempt to conceal the existence of such diseases, or to wilfully or maliciously obstruct or resist the said territorial veterinary surgeon in the discharge of his duty as hereinbefore set forth, shall be deemed a misdemeanor, and any person or persons who shall be convicted of any one of the above acts or omissions shall be fined not less than \$50 nor more than \$500, for each and every such offense, and shall forfeit all claims to indemnity for loss from the Territory; and upon conviction a second time, shall in addition to the above named fine, be imprisoned in the county jail for a term not less than thirty days nor more than six months.

SEC. 9. The following regulations shall be observed in all cases of disease covered by this act:

1. It shall be unlawful to sell, give away, or in any manner part with, any animal affected with, or suspected of being affected with, contagious or infectious disease; and in case of any animal that may be known to have been affected with or exposed to any such disease, within one year prior to such disposal, due notice of the fact shall be given in writing to the party receiving the animal.

2. It shall be unlawful to kill for butcher purposes any such animal, to sell, give away, or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor; and, on conviction, shall be punished by a fine not less than \$100, nor exceeding \$500. It shall be the duty of the owner or person having in charge any animal affected with, or suspected of being affected with, any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease, until the arrival of the veterinary surgeon. The above regulations shall apply as well to animals in transit through the Territory as to those resident therein; and the veterinary surgeon, or his duly authorized agent, shall have full authority to examine, whether in cars, yards, or pastures, or stables, or upon the public domain, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, take possession of and treat and dispose of animals in the said manner as is prescribed for animals resident in the Territory.

SEC. 10. All claims against the Territory arising from the slaughter of animals under the provisions of this act, shall, together with the order of the veterinary surgeon, and the valuation of the appraisers, in each case be submitted to the governor, who shall examine them without unnecessary delay, and for each one that he finds to be equitable and entitled to indemnity under this act, shall issue his warrant on the stock indemnity fund in the hands of the territorial treasurer for the sum named in the appraisers' report to the person so entitled thereto. In auditing any claim under this act it shall be the duty of the governor to satisfy himself that it does not come under any class for which indemnity is refused by this act, and he shall require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant therefore, and also the

affidavit of the veterinary surgeon, whose duty it shall be to inform himself fully of the facts, that in his opinion the claim is legal and just, and the governor may at his discretion require further proof.

SEC. 11. It shall be the duty of any person or persons, owning or having in their possession any bovine affected with any of the following diseases, viz.: Rinderpest, foot and mouth disease, pleuro-pneumonia, anthrax or Texas fever, or any equine affected with glanders, to immediately destroy the same by burning to ashes or burying the same which burial shall not be less than six feet under the ground and shall include every part of the animal and the hide shall be so cut and scarified as to be useless. Any person or persons, who shall fail or neglect to comply with this provision, shall be guilty of a misdemeanor, and shall be punished by a fine not less than \$100 nor more than \$1,000, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and the owner or owners of such diseased animal or animals shall further be liable for any or all damages and loss that may be sustained by any person by reason of failing to comply with the foregoing provisions.

SEC. 12. The right to indemnity under this act is limited to animals destroyed by reason of the suspected existence of some epizootic disease, generally fatal and incurable, such as rinderpest, hoof and mouth disease, pleuro pneumonia, anthrax, or Texas fever, among bovines, and glanders among horses.

SEC. 13. The indemnity granted shall be the ordinary value of the animal, as determined by the appraisers without reference to its diminished value caused by the suspected existence of disease or by having been exposed to any of the contagious diseases last above enumerated. It shall be paid to the owner upon his application and the presentation of the proofs prescribed herein; and it shall be the duty of said owner to make such application within six months after the slaughter of the animal for which payment is claimed, finding which, such claim shall be barred by limitation. Such payment shall be made by the territorial treasurer, as herein provided, and from the fund provided by this act; provided, however, that no bovine shall be appraised for a higher value than \$50, except registered pedigreed animals, which shall not be valued to exceed \$150. No equines shall be appraised for a higher

value than \$100, except registered pedigreed animals, which shall not be valued to exceed \$300.

SEC. 14. The right to indemnity shall not exist, and payment of such shall not be made in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the Territory contrary to the provisions of this act.
3. For animals that are found to be diseased, or that are destroyed because they have been exposed to disease, before or at the time of their arrival in the Territory, or for animals that have been shipped into the Territory, from any infectious or quarantined locality.
4. When any animal was previously affected by any other disease, which, from its nature or development, was incurable or necessarily fatal.
5. When the owner or person in charge shall have knowingly or negligently omitted to comply with the provisions of sections 8 and 9 of this act.
6. When the owner or claimant at the time of coming into possession of the animal knew it to be diseased, or received the notice specified in the first clause of section 9 of this act.
7. When the animal or animals have been brought into the Territory within 90 days immediately preceding the outbreak of disease among or upon them.

SEC. 15. The veterinary surgeon shall receive for his services the sum of \$2,000 per annum, together with his necessary traveling expenses, actually paid out when in performance of his duty. These payments shall be made from any funds in the territorial treasury not otherwise appropriated, upon itemized vouchers signed and sworn to by him, and submitted to the territorial auditor, who shall draw warrants upon the territorial treasurer for the amounts if found correct, separate vouchers being made for salary and expenses. No person shall be competent under this act to receive the appointment of veterinary surgeon who is not at the date of his appointment a graduate in good standing of a recognized college of veterinary surgeons and of not less than five years actual practice. He shall hold his office for two years; he may be removed for cause by the governor, who shall also have power to fill the vacancy as hereinbefore provided. The appraisers herein provided for shall each receive three dollars for each day or part of a day they may be actually employed as such,

which shall be paid from the territorial treasury, out of the stock indemnity fund hereinafter provided, upon vouchers which bear the certificate of the justice who summoned them. The justice of the peace shall receive for his services the fees provided by law for similar services, to be paid out of the county general fund. The veterinarians, physicians or freeholders called in consultation by the veterinary surgeon shall each receive three dollars for each day or part of a day they may be actually so employed, and five cents per mileage for distances necessarily traveled, which sums shall be paid from the territorial treasury out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by the veterinary surgeon, and other incidental expenses connected with his work, and made his duty by this act, such as causing animals to be slaughtered, and their carcasses to be burned or buried, and disinfecting infected premises, shall be paid from the territorial treasury out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by him under oath. Before entering upon the discharge of his duties he shall give a bond to the Territory of Dakota, with good and sufficient surety, in the sum of ten thousand dollars, conditioned for the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the veterinary surgeon receive any mileage.

SEC. 16. The liability of the Territory for indemnity for animals destroyed and for fees, costs and expenses incurred under the provisions of this act, in any year, is limited by, and shall in no case exceed the amount especially appropriated for that purpose and for that period, by the terms of this act; nor shall the veterinary surgeon or any one else incur any liability on the part of the Territory under the provisions of this act, in excess of the surplus in the stock indemnity fund hereinafter provided; nor shall any act be performed or property taken, under the provisions of this act, that will become a charge against the Territory of Montana further than to the extent provided by said stock indemnity fund. And there is hereby annually appropriated out of the general funds of the Territory not otherwise appropriated, a sum equal to one fourth of a mill on the dollar of the assessed value of all property in this Territory upon which taxes are paid, said fund to be known as the "stock indemnity fund."

SEC. 17. The veterinary surgeon shall select the place or places where stock shall be quarantined.

SEC. 18. All fines collected under the provisions of this act shall be paid into the territorial treasury and placed to the credit of the "stock indemnity fund."

SEC. 19. The veterinary surgeon shall have the power to appoint from time to time, by and with the consent and approval of the governor, deputies, not exceeding two in number, at any time he cannot personally attend to all the duties required by his office, at a salary not to exceed \$5 per day for each day actually employed, to be paid out of said stock indemnity fund, and shall designate the county or counties for which each deputy is to act. All acts performed by such deputies shall have the same effect as if done by the territorial veterinary surgeon.

SEC. 20. No diseased animals shall be slaughtered or destroyed, under the provisions of this act, at the expense of the territory, unless the owner or person in charge of such animals shall neglect or refuse so to do, promptly, when ordered by the veterinary surgeon or his deputy. And in all cases where any expense has been incurred by the territory, in the slaughter or destruction of animals actually diseased, under this act, the owner of the animal or animals shall pay the territory for all expenses thus incurred, and it shall be the duty of the attorney general to bring suit against such person, to recover the amount so expended by the territory.

SEC. 21. It is hereby made the duty of the attorney general, or district attorney of the respective counties, to prosecute any case complained of for prosecution, in any justice or district court within the jurisdiction of which any violation of this act may have been had, and on conviction of violating any of the provisions of this act, the court may award, in addition to the penalties prescribed by law, and add to the judgement such attorney's fees and costs of prosecution as the court may determine just in the premises.

SEC. 22. This act shall take effect and be in force from and after its passage and approval.

A BILL

For an Act to Prevent the Spread of Contagious Diseases
Among Sheep.

*Be it Enacted by the Legislative Assembly of the Territory
of Dakota:*

SECTION 1. That the owner or the person in charge of, any sheep, which are now, or shall hereafter be, affected with the scab, or any infectious or contagious disease, shall keep the said sheep securely within some enclosure, or shall herd them at a distance of not less than six miles from all farms, corrals, sheds or other established headquarters, where sheep are kept or are being herded; provided, that any person owning sheep affected with the scab, or any infectious or contagious disease, who prior to the passage of this act established headquarters, shall be allowed to range such sheep upon the public domain within six miles in any direction of such established headquarters; provided, further, that such sheep shall not be allowed to range within three miles of any other headquarters, unless the other headquarters be less than six miles distant, in which case such sheep shall not be herded nearer to the other headquarters than a distance equal to one-half the distance between the two headquarters.

SEC. 2. It shall be unlawful for any person or persons owning sheep affected with the scab, or any infectious or contagious disease, to drive, or permit the same to be driven, upon any public highway, or within the distance of one mile of any such highway, or within six miles of any farm, corral, shed or other established headquarters where sheep are kept or being herded.

SEC. 3. Any person owning sheep, or anyone in his employ, shall have the right to examine any band of sheep that shall be driven within six miles of his headquarters. and any person or persons in charge of such sheep shall stop them and allow them to be examined and shall render the necessary assistance in catching and examining them. If the person so in charge of such sheep refuse to render the assistance as above required, he shall be punished as hereinafter provided.

SEC. 4. Any person who shall carry, or drive or cause to be carried or driven, one or more sheep affected with the scab, or any infectious or contagious disease, into a herd of sheep belonging to another person, or shall carry or cause

to be carried, the "parasite" which causes such scab or disease and place it where another person is corralling or herding sheep, so that such sheep may become affected thereby, shall be adjudged guilty of a felony, and upon conviction thereof, shall be confined in the territorial prison not less than five years nor more than ten years and be fined in any sum not less than \$1,000.

SEC. 5. Any person who shall be convicted of the violation of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$600.

SEC. 6. Any person violating any of the provisions of this act shall be liable in damages to any person or persons injured thereby, directly or indirectly to be recovered in a civil action in any court of competent jurisdiction.

SEC. 7. This act shall take effect and be in force from and after its passage and approval.

The first proposed act contains the best features of House Bill No. 71, known as the Ely bill, together with many other important provisions; among which are the following:

First. The veterinary surgeon is made a territorial officer, appointed by the Governor with the advice and consent of the Council.

Second. A salary is provided for said officer in lieu of a per diem. He is also authorized, with the consent of the Governor, to appoint not exceeding two deputies who shall be allowed a sum not exceeding five dollars per day when actually and necessarily employed.

Third. The veterinary surgeon is to inspect all domestic animals which may be brought into this Territory from or through any state, territory or foreign country declared by the Governor to be in quarantine; and it is made the duty of the owner or person having in charge any such domestic animals from infected districts to notify the veterinary surgeon of the arrival of such stock and they shall not leave the place of arrival until they have been examined by said surgeon, and his certificate received, that they are free from disease; but the provisions of this act shall not apply to horses or oxen driven into this Territory by immigrants or travelers.

Fourth. The expense of holding and feeding animals quarantined shall be paid by the owner.

Fifth. It is made the duty of any person who shall have

or suspect that there is on his premises or upon the public domain any case of contagious or infectious disease among domestic animals to report the same immediately to the veterinary surgeon. Failure to report or any attempt to conceal the existence of such disease is made a misdemeanor.

Sixth. It is made unlawful to sell, give away or in any manner part with any animal affected with or suspected of being affected with any contagious disease.

Seventh. The owner or person having in their possession any bovine or equine affected with any of the diseases enumerated in this act shall destroy the same by burning to ashes or burying. Failure to comply with these provisions is made a misdemeanor, and the owner is liable for damages to any party injured by such diseased animals.

Eighth. The right to indemnity, under this act, is limited to animals destroyed by reason of the suspected existence of fatal disease. (No compensation shall be given for animals affected with said fatal diseases.)

Ninth. Subdivisions 6 and 7 of section 14 have been added as additional limitations upon the right of recovery of damages for the destruction of animals under the provisions of said act.

Tenth. No diseased animal shall be slaughtered or destroyed at the expense of the Territory, unless the owner refuses to do so, in which case the Territory may destroy the animal and recover the expense incurred therein from the owner.

The Legislative Committee and the Stock Growers' Association of Montana propose to recommend to the Legislature of that Territory such changes in their laws as will conform to the provisions of the bills herewith presented.

The suggestion of the conference as proposed by our legislature was received with great favor by the authorities of Montana. They entered cheerfully into the consideration of all subjects relating to the cattle interests of Dakota, gave us the benefit of their long experience in these matters, and readily laid before us papers and documents which proved to be invaluable to us in our deliberations.

Your Committee cannot close this report without acknowledging their deep indebtedness to the Legislative Committee of the Montana Legislature, to the Stock Growers' Association, to the Board of Stock Commissioners, and the people of Helena generally for the cordiality with

which we were received, and for the kindness extended us during our sojourn in their thriving and beautiful mountain city.

All of which is respectfully submitted.

<p>ALEXANDER HUGHES, FRANK J. WASHABAUGH, F. GREENE, J. H. FLETCHER, JOHN A. ELY.</p>	}	Committee.
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Mr. Campbell moved

That the rules be suspended and that all House Bills on their first reading be read a first and second time and referred to appropriate committees.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 59,

A bill for an act to establish a territorial university at Aberdeen, Dakota,

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes,

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No. 187, substitute,

A bill for an act to amend section 112 of the Justice's Code of the Territory of Dakota,

Was read the first and second time, and
Referred to the Committee on Judiciary.

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 216,

A bill for an act providing funds for the construction of a dormitory and wing of main building of the university of Dakota, and for other purposes,

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No. 224,

A bill for an act to amend subdivisions 1 and 2 of section 5 of chapter 84 of the General Laws of 1881,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 226,

A bill for an act to amend section 2 of chapter 26 of the Political Code,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 238,

A bill for an act entitled "an act to change the name of the Dakota Brokerage and Investment company of Sioux Falls,"

Was read the first and second time and
Referred to the Committee on Incorporations.

House Bill No. 245,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems, or parts of systems, of water works, telegraphic fire signals and fire apparatus,

Was read the first and second time and
Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 287,

A bill for an act to amend section 77 of subchapter 1 of chapter 112 of the General Laws of 1883, relating to the town board of auditors,

Was read the first and second time and
Referred to the Committee on Counties.

Mr. Washabugh moved
That the Council adjourn.
The motion prevailed and

The president announced
That the Council stood
Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FIFTIETH DAY.

BISMARCK, March 1, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After Prayer by the chaplain, The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred House Bills, Nos. 21, 43, 136, 148, 158, 168 and Council Bills Nos. 103, 136, 147, 166, 167, 170 and 266,

State that they have had the same under consideration and report as follows:

House Bill No. 21 and Council Bills Nos. 166 and 167,
Without recommendation.

That

House Bill No. 43,

Be amended by striking out the words "or animals," in line twenty-five of the written bill, and that as so amended the bill be passed.

That

House Bills Nos. 136, 148, 158 and 168, and Council Bills Nos. 103, 136, 147, 170 and 266,

Be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your committee to whom
Council Bill No. 144,

A bill for an act to locate and establish a Soldiers' Home

in the Territory of Dakota, and provide for the management thereof,

Would respectfully report and recommend that the said bill be referred to the Committee on Charitable and Penal Institutions.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that they find
Council Bill No. 20,
Properly engrossed.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

We, your Committee on Appropriations, beg leave to report as follows:

1. That we have examined
Council Bill No. 224,

And we do most respectfully recommend its passage with the following amendments, viz: That the title be amended by striking out the word "meteorological" before the word "laboratory" and inserting in lieu thereof the word "metallurgical."

That section 1 be amended by striking out the word "meterological" before the word "lab ratory," where it occurs therein and inserting in lieu thereof the word "metallurgical."

2. That we have examined
House Bill No. 197,

And we respectfully recommend the passage of the same.

3. That we have examined
Council Bill No. 194,

And we respectfully recommend the passage of the same.

4. That we have examined
House Bill No. 59,

And recommend that said bill be passed with the following recommendations:

That the bill be amended by striking out all of section 18, after the word "board" in line —, and inserting in lieu thereof the following: "Itemized accounts for such expenses, verified by affidavit, shall be presented to the board

of regents, and such accounts shall be certified by the said board to the territorial auditor, who shall, if he find the same correct, draw his warrant upon the treasurer for the payment thereof out of the university fund."

No regent shall receive any pay, mileage or per diem except as above specified.

5. That section 16 be amended by striking out all of said section after the word "Territory," in line — thereof.

6. That section 13 be amended by adding thereto the words "Such site shall be approved by the board of regents or a majority thereof, and the site so selected shall be conveyed to the Territory within ninety days after the passage of this bill."

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred Council Bill No. 181,

Report that they have had the same under consideration and recommend that the same be amended by striking out all after the enacting clause and inserting in lieu thereof the following, viz:

SECTION 1. That chapter five (5) of the Session Laws of 1881, entitled "an act to amend section ninety-six (96) of the Justice's Code," be and the same is hereby amended to read as follows, to-wit: That section ninety-six of the Justice's Code be amended by adding thereto the following clause, to-wit: No notice of trial or note of issue shall be required to be served or filed in order to bring the cause appealed upon the trial calendar in the district court, but said appeal shall be filed by the clerk on payment of his costs, and entered upon the calendar, and shall stand for trial as soon as the same is reached in the regular call of the calendar thereafter. If the clerk's costs are not paid within fifteen days after the appeal is filed with the clerk, the same shall be dismissed by order of the court at any time thereafter upon motion of the appellee, after three days' notice to the appellant or his attorney.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

And with this amendment they recommend that the bill be passed.

ALEXANDER HUGHES,
Chairman.

A BILL

For an act to amend chapter five (5) of the Session Laws of 1881 entitled "an act to amend section ninety-six (96) of the Justices Code."

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That chapter 5 of the Session Laws of 1881 entitled "an act to amend section ninety-six (96) of the Justices Code" be and the same is hereby amended to read as follows, viz: That section ninety-six (96) of the Justices Code be amended by adding thereto the following clause to-wit:

No notice of trial and note of issue shall be required to be served or filed in order to bring the cause appealed upon the trial calendar in the district court, but said appeal shall be filed by the clerk, on payment of his costs, and entered upon the calendar and shall stand for trial as soon as the same is reached in the regular call of the calendar thereafter. If the clerk's costs are not paid within fifteen days after the appeal is filed with the clerk the same shall be dismissed by order of the court, at any time thereafter, upon motion of the appellee, after three days notice to the appellant or his attorney.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred Council Bill No. 157,

Report that they have had the same under consideration and recommend that the bill be amended by striking out the words "subdivision seven of" in the title; also, the words

“subdivision seven of” in the first line of section 1; also the word “subdivision” in line six of said section 1, and that there be inserted in lieu thereof, in said line six, the words “section, as subdivision 8;” also by striking out the words “provided, however” in line seven of said section 1; also by striking out the word “further” in line eighteen, of said section 1; also by inserting the word “was” in line twenty-six of said section 1, after the word “defendant” and that the bill as amended be passed,

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:—

Your Committee on Cities and Municipal Corporations,
to which was referred
Council Bill No. 222,

A bill for an act for extending or restricting the limits
of incorporated cities,

Begs leave to report a substitute bill for the same and to
recommend that the substitute bill do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture, to whom was refer-
red

House Bill No. 95,

Report back the same with the recommendation that the
bill be passed.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
Council Bill No. 114,

Have considered the same and report back with the rec-
ommendation that it do pass, one member dissenting.

Council Bill No. 104,

With recommendation that it do pass,

And

House Bill No. 46,

With recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom
Council Bill No. 249,

Was referred, report back the same with the recommend-
ation that the bill do pass.

House Bill No. 172,

With the recommendation that the bill do pass.

House Bill No. 228,

With the recommendation that the bill do not pass.

Council Bill 203,

With the recommendation that the bill do not pass, and
Council Bill 225,

Without recommendation.

S. P. WELLS,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 264,

Introduced by Mr. Ericson—

A bill for an act providing for township organization,
Was read the first time.

Council Bill No. 265.

Introduced by Mr. Ericson—

Joint resolution limiting the time for the introduction
of bills, joint resolutions and memorials in the 17th legis-
lative assembly,

Was read the first time.

Council Bill No. 266,

Introduced by Mr. Cain—

A bill for an act to amend section 5 of chapter 52 of the
Session laws of 1879,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 245,

A bill for an act relating to assignees, to amend section
2042 of title 3 of part II of the Civil Code,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 250,

A bill for an act dividing the Territory of Dakota into two

educational districts, providing for the election and fixing the salaries of district school superintendents, and abolishing the office of territorial and assistant superintendents of public instruction, •

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 251,

A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dakota, in September 1885,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 252,

A bill for an act creating and defining the boundaries of the county of McCormack, and for other purposes,

Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns, to refund outstanding bonded indebtedness,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 254,

A bill for an act for the relief of Isaac Montague,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 255,

A bill for an act for the relief of Victor Montague,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the school of mines at Rapid City, Dakota, for the ensuing two years,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 257,

A bill for an act providing for the distribution of the Dakota supreme court reports,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 259,

A bill for an act providing the manner for assessing stocks and shares of banks and banking associations and collecting tax from the same,

Was read the second time, and
Referred to the Committee on Revenue.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
March 1, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

And
House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Which have been passed by the House, and your favorable consideration is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 1, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 186,

A bill for an act in relation to the vacation of town plats,
House Bill No. 227,

A bill for an act to amend sections 70 of chapter 28 of the Political Code, entitled revenue,
House Bill No. 86,

A bill for an act to define the boundaries of Billings, Stark and Lawrence counties,

Which have passed the House, and your favorable consideration is requested.

And return

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow,

Which has passed the House without change.

And,

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Which has passed the House and your favorable consideration thereof is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 237,

A bill for an act to amend section 4 of chapter 21 of the Political Code in relation to redistricting counties into commissioner districts,

Was read the third time.

Mr. Washabaugh moved

That section 1 be amended by inserting after the word "designate" therein the words "in such petition."

The motion prevailed.

Mr. Ericson moved

That section 1 be amended by adding the following thereto: Provided, that no county shall be redistricted under the provisions of this act oftener than once in three years.

The motion prevailed.

Mr. Smith moved

That the bill be made a special order for to-morrow at 3 o'clock.

The motion prevailed.

Council Bill No. 4,

A bill for an act providing the mode for listing, assessing and the levy and collection of taxes, and for other purposes,

Was considered.

Mr. Hughes moved

That subdivision 8, section 35, be reinstated.

The motion prevailed.

Mr. Grigsby moved

That in subdivision 7 of section 35, all after the word "institution" in line twenty-one, to and including the word "therein," in line twenty-two, be stricken out.

Mr. Grigsby then moved

To amend that motion to strike out all after the word "deposits" in said section.

The amendment to the amendment was lost.

The original motion to amend was then lost.

Mr. Galloway moved

That subdivision 4 of section 3 be amended by adding thereto the following words, viz.: "Provided, however, that no full-blood, thorough-bred or standard-bred animal of any of the classes mentioned in this subdivision, shall be considered of greater value for purposes of taxation than common or grade animals of same classes respectively."

The motion prevailed.

Mr. Cain moved

That the bill be amended by striking out "ten" in line twelve of section 88 and inserting "twenty" in lieu thereof, and by striking out "five" in line thirteen of section 88, and inserting "ten" in lieu thereof.

The motion was lost.

Mr. Cain moved

That the bill be amended by striking out the word "treasurer," in line five of section 105, and inserting in lieu thereof the following words: "officer who made the mistake or committed the wrongful act;" and striking out the words "the treasurer," in line seven of section 105, and inserting in lieu thereof the words "such officer and his sureties."

The motion prevailed.

Mr. Grigsby moved

That section 35 be stricken out.

The motion was lost.

Mr. Foster moved

That the bill be amended by adding to section 23 the following:

The moneys received and collected by the territorial

treasurer in pursuance of this section shall be disposed of by him as follows:

One-third thereof shall be retained in the general fund of the territorial treasurer, and the remainder shall be apportioned among the several counties into or through which railroads respectively run, in proportion to the number of miles of main track situated in such counties respectively.

The motion prevailed.

Mr. Grigsby moved

That section 34 be amended by striking out all thereof except the words "Each individual of a partnership is liable for the taxes due from the firm."

The motion was lost.

Mr. Cain moved

To amend section 169 so as to read:

Sec. 169. This act shall go into effect on the 15th day of April after its approval.

The motion prevailed.

Mr. Cain moved

That the bill be amended by striking out "10" in line twelve of section 88, and inserting "15" in lieu thereof, and striking out "5" in line thirteen of section 88, and inserting "8" in lieu thereof.

The motion was lost.

Mr. Bogert moved

That further consideration of the bill be indefinitely postponed, and

The ayes and nays being required, and

The roll being called, there were ayes, 5; nays, 17; not voting, 2.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Donovan, Grigsby, Weiser.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dodge, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Collins, Wells.

So the motion was lost.

Mr. Ericson moved

That the rules be suspended and that the reading of the bill be dispensed with.

Mr. Hughes moved
The previous question,
Which was ordered, and
On the motion that the rules be suspended
The ayes and nays being required and

The roll being called, there were ayes, 15; nays, 7; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Grigsby, Martin, Smith, Washabaugh, Weiser.

Absent and not voting
Messrs. Collins, Wells.

The necessary two-thirds voting in the affirmative
The motion prevailed.

Mr. McCumber moved

That the bill be amended by striking out all of subdivision 7 of section 35 after the word "deposits" in line 20, and all of subdivision 8 of said section preceding the word "The" before the word "amount" in line 26;

And the ayes and nays being required and

The roll being called, there were, ayes, 12; nays, 11; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Donovan, Harstad, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Cain, Campbell, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Mead, Martin, Mr. President.

Absent and not voting:
Mr. Collins.

So the motion prevailed.

Mr. Weiser moved

That section 60 be stricken out and the following inserted in lieu thereof:

SEC. 60. Territorial warrants are receivable for the amount payable into the territorial treasury on account of the general territorial tax, and county warrants are receivable at the treasury of the proper county for the amount of county tax payable into the county treasury, except when otherwise provided by law; and city warrants shall be received for city taxes, and school warrants shall be received for school taxes in the districts where such warrants are issued; but United States treasury notes or their equivalent, only, are receivable for such taxes as are or may be required by law to be paid in cash; and road and poll taxes may be discharged as provided in section 33.

The motion prevailed.

Mr. Hughes moved

That the words "and school warrants shall be received for school taxes in the districts where such warrants are issued" be stricken from section 60 as adopted.

The motion prevailed.

Mr. McCumber moved

That the word "ten" in line 12 of section 88 be stricken out and that the word "five" in line 13 of section 88 be stricken out and the words "twenty" and "ten" respectively be inserted in lieu thereof,

And the ayes and nays being required and

The roll being called there were ayes, 11; nays, 12; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Ericson, Foster, Hughes, Lawler, McCumber, Wells.

Those who voted in the negative were:

Messrs. Dodge, Galloway, Grigsby, Harstad, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Mr. Collins.

So the motion was lost.

Mr. Dodge moved

The previous question,
Which was ordered, and

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, 9; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Donovan, Grigsby, Martin, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Mr. Collins.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Hughes moved

That the bill be engrossed as passed, and that 100 copies thereof then be printed.

The motion prevailed.

A sealed message having been received from his Excellency, the Governor, the Chamber was cleared, the doors closed, and the Council spent some time in executive session.

After the doors were opened

Mr. Smith, by unanimous consent, introduced—
Council Bill No. 267,

A bill for an act entitled an act to amend an act entitled "an act to provide for the appointment of a county clerk for Yankton county and to define his duties,"

And moved

That the rules be suspended, the bill be read and put on its passage.

The motion prevailed and

The bill was read three several times and

The question being shall the bill pass and

The roll being called, there were ayes, 19, nays, none; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Dodge, Donovan, Grigsby, Lawler.

So the bill passed and
~~The question being as to its title and being put~~
 Its title was agreed to.

Mr. Ericson moved
 That the rules be suspended and that
 Council Bill No. 263
~~Be read the second time.~~

The motion prevailed, and
 Council Bill No. 263,

A bill for an act to amend chapter 75 of the General
 Laws of 1883, in regard to drainage, as amended by chapter
~~47~~ of General Laws of 1885;

Was read the second time.

Mr. Ericson moved

That the bill be referred to a special committee consist-
 ing of Messrs. Galloway, Smith, Collins, Bogert and Eric-
 son.

~~The motion prevailed.~~
 Council Bill No. 163,

A bill for an act to amend chapter 44 of the Session Laws
 of 1883, relating to education,

Was read the third time.

Mr. Hughes moved

That the bill be amended as recommended in the report
 of the Committee on Education.

The motion prevailed.

Mr. Foster moved

That the bill be made a special order for 3 o'clock to-
~~morrow.~~

The motion prevailed.

Mr. Hughes moved

That the rules be suspended and that the Council pro-
 ceed to the consideration of House bills, and that all such
 bills on their first reading this day be read the first and
 second time and referred to appropriate committees.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS:

House Bill No. 269,

A joint resolution for appointment of a joint committee
~~on~~ apportionment,

Was read the first and second time and

Referred to Committee on Territorial Affairs.

House Bill No. 186,

A bill for an act in relation to the vacation of town plats,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Was read the first and second time and
Referred to the Committee on Revenue.

House Bill No. 86,

A bill for an act to define the boundaries of the counties of Billings, Stark and Lawrence,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 192,

A bill for an act requiring county treasurers to deposit funds in designated depositories, and providing for interest thereon,

Was read the first and second time and
Referred to the Committee on Revenue.

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 112,

A bill for an act to provide for the cancellation and forfeiture of insurance policies,

Was read the third time.

Mr. Bogert moved

That section 1 be amended by inserting after the word "policies" in line thirteen the following: "As adopted and maintained by the Minnesota and Dakota Fire Underwriters' union of St. Paul, Minnesota," and by striking out

the following words, to-wit: "Now maintained among insurance companies."

The motion prevailed, and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, none; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Campbell, Collins, Dodge, Lawler, Martin, McCumber, Sheldon of Day, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota entitled an act incorporating the city of Mayville, Traill county, Dakota, approved March 13, 1885,

Was read the third time, and

The question being shall the bill pass and

The roll being called there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Cain moved that

House Bill No. 48,

Be recalled from the Committee on Territorial Affairs and referred to the Committee on Federal Relations.

The motion prevailed.

By unanimous consent Mr. Galloway introduced—

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Johanna Milton for moneys expended and services rendered at the New Orleans exposition,

Which was read the first time.

Mr. Ericson moved

That the rules be suspended and that

Council Bill No. 265

Be read at length and put on its passage.

The motion was lost.

Mr. Donovan moved

That Council Bill No. 241

Be recalled from the Committee on Public Health and referred to the Committee on Appropriations.

The motion prevailed.

A sealed message having been received from his Excellency the Governor, the chamber was cleared, the doors closed, and the Council spent some time in executive session.

After the doors were opened

Mr. Dodge moved

That the Council adjourn.

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-FIRST DAY.

BISMARCK, March 2, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After Prayer by the chaplain, The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petition was presented and referred to the Committee on Counties:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens and taxpayers of Rolette Co., D. T., do hereby protest and remonstrate against the passage of House Bill No. 159, for the formation of new counties as per the provisions contained in said act.

And we do further petition your honorable bodies to fully consider the same and defeat the measure, as it plainly shows that it is intended for the personal emolument of the few, and to the detriment of the many, whose taxes are now a sufficient burden, without an unnecessary increase of the same, by reducing the size and the present boundaries of our county.

We respectfully submit the above this 21st day of February, 1887. Soliciting your kind consideration of the same is the prayer of

REV. L. A. LHVIER,
And 90 others.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Warehouses and Grain Grading to whom was referred

Council Bill No. 45,

Beg leave to report that they have carefully examined said bill and respectfully return the same with the recommendation that it do not pass.

C. H. SHELDON,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred House Bill No. 189,

Report that they have had the same under consideration and that they have no recommendations to make thereon.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT :

We, your Committee on Appropriations, beg leave to submit the following report:

That we have examined

Council Bills No. 141 and No. 257,

Also,

Council Bills No. 227 and No. 251,

And

House Bills Nos. 179, 34 and 141.

We respectfully recommend the passage of

House Bills Nos. 34 and 141, and of Council Bills Nos. 251 and 257,

The latter amended by inserting after the word "reports" in the third line the words "published by authority of the reporter of the supreme court."

That we herewith present a substitute for

Council Bill No. 227,

And respectfully recommend the passage of the same.

We recommend the passage of

Council Bill No. 141

With the following amendments: In the title, by striking out the words "six hundred dollars" where they occur after the word "of" and the insertion in lieu thereof the words "four hundred dollars."

In the first line of section 1 of said bill by striking out the words "six hundred dollars" and inserting in lieu thereof the words "four hundred dollars."

And in line — of section 2 by striking out the words "six

hundred dollars" and inserting in lieu thereof the words "four hundred dollars."

All of which is respectfully submitted.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Federal Relations to which was referred

House Substitute to House Bill No. 48,

Begs leave to report the same back with a majority recommendation that the same do pass with the following amendments:

Strike out section 1 and insert in lieu thereof: "Sec. 1. That on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and eighty-seven, there shall be held an election in each of the organized counties of the Territory, at which election the qualified voters of each county shall vote upon the question of prohibiting the sale of intoxicating liquors in such county. Such election shall be in all respects conducted as annual or general elections are conducted."

Amend section 3 by inserting after the word "cast" in line two the words "in any county."

Strike out section 4 and insert the following in lieu thereof: "Section 4. At any general election, but at no other time, the question of prohibiting the sale of intoxicating liquors shall be again submitted to a vote of the qualified electors of any county, if one-third of the voters of such county petition the board of county commissioners therefor. The result of any election held under the provisions of this act shall remain in force until changed at some subsequent election held hereunder."

Two members of the committee do not concur in this report.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred
Council Bills Nos. 91, 192 and 219,

Report that they have had the same under consideration and recommend as follows:

That bill No. 91 be amended by striking out the following words, commencing at line eight, page 2, the printed bill, viz.: "As near as may be its pro rata share of the

number of names and the remaining," and by inserting in lieu thereof the words "and to the unorganized portion of such county, as near may be, its pro rata share of the said number of names, the;" also, by striking out the word "village" wherever it occurs in said bill and inserting in lieu thereof the word "town;" also, by adding after the words "board of aldermen" wherever it occurs in said bill the words "or the city council."

And that as so amended the bill be passed.

That bill No. 192 be amended by striking out the figures "26" wherever they occur in said bill and inserting in lieu thereof the figures "24," and

That the bill as so amended be passed.

That bill No. 219 be amended by striking out of the third line of section 7 (written bill) the word "McHenry" and inserting in lieu thereof the words "Bottineau" and "Rolette."

Also, by striking out section 10 of said bill.

Also, by adding after the word "Buford," in line three (written bill) of section 11, the words "McHenry" and "Wynn," and by striking out the word "and" before said word "Buford."

Also, by inserting after the word "in" and before the word "November," in the last line of section 5, the words "May and."

Also, by adding after the word "November" the words "in each year,"

And as amended the bill be passed.

That bill No. 131 is reported without recommendation.

ALEXANDER HUGHES, Chairman.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred Council Bill No. 168,

Respectfully recommend that the same do pass with the following amendments to-wit:

1st. Amend the title of said bill so that it shall read

A BILL

For an act amendatory of chapter 126 of the General Laws of the Sixteenth Legislative Assembly, entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory.

SECTION 1. Strike out all of said section 1 down to and including the word "consideration" and insert in lieu thereof section 1 of chapter 126, of which this is amendatory; in lines 23 and 24 of the printed bill, and in lines 32 and 34 where the words "warehouseman" occurs strike off the "man," and in line 36 where word "warehouseman" occurs strike off the "man" and in line 86 where the word and figures "twenty" occurs, strike out the same and insert "ten."

Section 6, line ten, strike out the words "damages for," and in line eighteen, strike out the words "suits in equity," and insert in lieu thereof the words "civil actions."

Section 8, line two, before the word "dollars" insert the word "two thousand," and in line four, before the word "dollars" insert the words "fifteen hundred," and in line nine after the word "Territory" insert the following words: "They shall also be paid, in addition to the salaries heretofore mentioned, their actual traveling expenses while in the discharge of their duty."

Section 9, line seven, strike out the word "the" after the words "lines of" and insert the word "any;" and after the word "carrier" strike out the words "complained of."

Section 13, line three, after the word "railroad" insert the word "wholly," and after the words "by railroad" insert the words "or partly by railroad," and strike out all of said section after the words "to be unlawful" in line thirteen.

Section 14, line four, after the word "roads" strike out the word "or."

Section 17 strike out entire, and renumber all subsequent sections to correspond.

Section 18, line 11, after the words "or favor" insert the words "as to size of warehouse, or as;" line fourteen, after the words "or will," strike out the words "at or near" and insert in lieu thereof the words "within two thousand feet of;" line eighteen strike out the words within a reasonable distance from such station or terminus," and in line nineteen after the word "connection," insert the words "provided that permits for such sidetracks shall be given by the railroad commission after the same has been viewed and declared to be reasonable and practicable."

Sec. 20, line 5, after the words "in any" insert the word "way;" and in line 10, after the word "section" strike out the figures "13" and insert the word "thirteen."

Section 21, lines 5 and 6, strike out the words "and it is

hereby authorized to compel any common carrier, after such public hearing."

Sec. 25, after the words "of not," in line 5, strike out the words "less than \$1,000," and insert the words in lieu thereof "to exceed \$500;" and in line 12 strike out the figures "1,000" and insert in place thereof "\$500."

Sec. 27, line 5, strike out the word "expediate" and insert in lieu thereof the word "expedient."

Section 29, line one, after the words "sum of," insert the words "twelve thousand five hundred," and in line two insert after the word "ending" the words "on the last day of March" and strike out the word "fiscal" where it occurs in said section; line three, after the words "sum of," insert the words "twelve thousand five hundred," and after the word "ending" in line four, insert the words "on the last day of March, 1889."

With the foregoing amendments, the committee recommends that said Council Bill No. 168 do pass, and that Council Bill No. 6 do not pass.

W. F. COLLINS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 252,

Wish to report back the same with the following amendment and as so amended recommend that the bill be passed:

To amend section 2 by inserting in line 6 of the printed bill after the word "Tuesday" the words "after the first Monday" and by striking out of said line the word "May" and insert in lieu thereof the word "November."

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 199,

Have had the same under consideration and recommend that the bill be passed.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
House Bill No. 149.

Wish to report the same with the recommendation that the bill do not pass; and

House Bill No. 233.

Wish to report the same with the recommendation that the bill be passed.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations, to whom was referred
House Bill No. 245,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems, or parts of systems, of water works, telegraphic fire signals and fire apparatus,

Have considered said bill, and beg leave to report that the same do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 179,

A bill for an act to provide for the payment of John P. Hoagland for repairing hall of House of Representatives,

Would respectfully report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Warehouses and Grain Grading, to whom was referred

Council Bill No. 179,

Beg leave to report that they have carefully examined said bill and respectfully return the same without recommendation.

C. H. SHELDON,
Chairman.

MR. PRESIDENT:

Your Committee on Elections, to whom was referred
Council Bill No. 169,

Report that they have had the same under consideration and recommend that it do not pass.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, to which was referred

Council Bills Nos. 117, 209, 4, 121 and 198,
Report the same properly engrossed.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, to
which was referred

Council Bills Nos. 107 and 26.

Report the same properly enrolled.

C. D. MEAD,
Chairman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 269,

Introduced by Mr. Washabaugh—

A bill for an act to amend section 104. of the code of civil procedure,

Was read the first time.

Council Bill No. 270,

Introduced by Mr. Allin—

A bill for an act to prohibit and punish dealing in futures,

Was read the first time.

Council Bill No. 271,

Introduced by Mr. Donovan—

A Bill for an act to amend sections 101 and 102, of chapter 4, of the code of criminal procedure.

Was read the first time.

Council Bill No. 272,

Introduced by Mr. Donovan—

A bill for an act to provide for the registration of births, marriages and deaths in the Territory of Dakota.

Was read the first time.

Council Bill No. 273,

Introduced by Mr. Donovan—

A bill for an act relating to the issuing of watered, false or fraudulent and part paid and unpaid shares of the stock of railroad companies and providing penalties therefor.

Was read the first time.

Council Bill No. 274,

Introduced by Mr. Collins—

A bill for an act in garnishment and mode of procedure therein.

Was read the first time.

Council Bill No. 275,

Introduced by Mr. Matthews—

A bill for an act entitled an act to provide for the government of the agricultural college and experimental station for the Territory of Dakota,

Was read the first time.

Council Bill No. 276.

Introduced by Mr. Hughes—

A bill for an act making appropriation to pay Henry Newton and Arthur Linn for services as pages of the Council,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 258,

A bill for an act to amend articles of incorporation.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 260,

A bill for an act providing for the insurance of public buildings,

Was read the second time and

Referred to the Committee on Insurance.

Council Bill No. 261,

A bill for an act relating to exemptions for boarding,

Was read the second time and

Referred to the Committee on Judiciary.

Council bill No. 262,

Joint resolution and memorial to congress, for the division of the Bismarck land district,

Was read the second time and

Referred to the Committee on Federal Relations.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 2, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has concurred in the Council amendments to

House Bill No. 55,

A bill for an act entitled "an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the interest and principal thereof,"

And return herewith
Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations,

Which has passed the House without change, and transmit herewith

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the normal school building and dormitory at Madison, Dakota, and for other purposes,

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

House Bill No. 235,

A bill for an act authorizing organized counties of the Territory of Dakota to build county buildings for court house or jail, or both, and for other purposes.

House Bill No. 236,

A bill for an act to regulate telephones,

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

Which have passed the House and your favorable consideration thereof is requested.

Also,

Council Bill No. 19,

A substitute bill for an act relating to the solemnization of marriages and the registration thereof,

And amended the same as follows:

Section 1, by striking out all up to the word "any" in the sixth line of said section.

Section 9, by striking out all after the word "misdemeanor," in the ninth line of said section.

Include in the bill the following, to be known as section 10:

“In the solemnization of marriage no particular form is required, except that the parties shall declare in the presence of the person solemnizing the marriage and the witnesses, that they take each other for husband and wife, and at least two persons shall be present as witnesses.”

Include in the bill the following, to be known as section 11:

“No marriage solemnized before any person professing to be a judge, justice of the peace, or other person authorized to solemnize marriage, shall be held as void, or its validity in any way affected on account of lack of authority of any such supposed judge, justice or minister, provided the marriage is consummated with a full belief on the part of one or both of the persons supposed to be so married that they have been lawfully joined in marriage.”

Change the numbers of sections 10 and 11 to sections 12 and 13.

Your concurrence in said amendment is requested.

Council Bill No. 164,

A bill for an act to protect large game and quail in Dakota Territory.

Which have passed the House without change,

And that the House has concurred in the Council amendments to

House Bill No. 112,

A bill for an act to provide for the cancellation and forfeiture of insurance policies.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 224,

A bill for an act to provide funds for the construction and furnishing of a metallurgical laboratory for the school of mines at Rapid City, Dakota, and for other purposes,

Was read the third time.

Mr. Wells moved

That the bill be amended as recommended by the Committee on Appropriations.

The motion prevailed.

Mr. Foster moved

That the bill be made a special order for Friday at 3 o'clock, and

The ayes and nays being required and

The roll being called, there were ayes, 6; nays, 17; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Foster, Harstad, McCumber, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting

Mr. Bogert.

So the motion was lost.

Mr. Washabaugh moved

The previous question,

Which was ordered, and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 3; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Foster, Harstad.

Absent and not voting:

Mr. McCumber.

So the bill passed and

The question being as to its title, and being put.

Its title was agreed to.

Council Bill No. 237,

A bill for an act to amend section 4 of chapter 21 of the Political Code in relation to redistricting counties into commissioner districts,

Was read the third time.

Mr. Hughes moved

That the bill be amended by striking out of section 1 the following words: "Excepting that the boundaries shall not be so arranged as to divide any incorporated city, but such city shall be wholly within one commissioners district."

The motion prevailed.

Mr. Smith moved

To amend section 1 by striking out the words, "that section 4 of chapter 21 of the Political Code, be and the same is hereby amended by adding at the end thereof the following: "Provided that," and the words "as herein provided," in line 5.

By adding after the word "county," in line 5 of the printed bill, the words, "into county commissioner districts."

By adding after the word "comply," in line eight of the printed bill, the word "substantially."

By adding as section 2: "All acts and parts of acts in conflict herewith are hereby repealed."

By numbering the section 2 in the printed bill as section 3.

The motion prevailed.

Mr. Dodge moved

That the bill be amended by striking out of section 1: "And the said voters may designate the boundaries of such districts, and the commissioners shall in redistricting the said county comply substantially with the boundaries as designated in the petition."

The motion prevailed.

Mr. Ericson moved

That there be inserted in section 1, to follow "county," in line fourteen, the following:

"In such a manner as to place as near as practicable an equal number of the inhabitants of said county in each district.

The motion prevailed, and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washbaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Bogert, Donovan, Martin.

So the bill passed and the question being as to its title

Mr. Smith moved

That the title be so amended as to read "a bill for an act to provide for redistricting counties into commissioner districts."

The motion prevailed and

The title as amended was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled bills to which was referred

Council Bills 107 and 126.

Report said bills deposited with his excellency, Governor L. K. Church, March 2, 1887, at 4:30 p. m.

C. D. MEAD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to transmit herewith,

House Bill No. 47,

A bill for an act to prevent drunkenness,

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use, and to confiscate such property,

House Bill No., 178.

A bill for an act to amend section 655 of the Code of Civil Procedure.

House Bill No. 142,

A bill for an act to provide for the location of alleys in cities, incorporated towns and cities,

House Bill No. 278,

A bill for an act to legalize the acts of A. L. Bain, as notary public of the Territory of Dakota.

House Bill No. 281.

A bill for an act to legalize the acts of Allen M. Chaney as notary public,

House Bill No. 244,

A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota.

House Bill No. 249,

A bill for an act prohibiting the playing of games of chance in places where intoxicating, vinous or malt liquors are sold,

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of drought, hail and wind storms of the year 1886, in the several counties of this Territory,

House Bill No. 237,

A bill for an act to amend chapter 113 of the General Laws of 1881, entitled "Exemptions for Timber Culture,"

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Which have passed the House and your favorable consideration is requested.

I also have the honor to return herewith

Council Bill No. 165,

A memorial to congress, asking for the appointment of a commission to select school lands,

Council Bill No. 215,

A bill for an act to amend section 49 of subchapter 1 of chapter 112 of the General Laws of 1885, entitled "An Act to Provide for the Organization of Civil Townships and Government of the Same,"

Which have passed the House without change.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

Council Bill No. 163,

A bill for an act to amend chapter 44. of the session laws of 1883, relating to education,

Was read a third time by its title.

Mr. Hughes moved

That the rules be suspended and that the reading of the bill at length be dispensed with.

The motion prevailed.

Mr. Mead moved

That the bill be amended by adding at the end of section 18, the words, "and shall not be less than fifteen nor more than twenty-five dollars per annum."

Amend section 62 by striking out lines 7 and 8 the words: "For each day present and acting at these quarterly meetings," and insert in lieu thereof the following words, "per annum."

Strike out the word "but" in line 9.

Strike out after the word "necessary" in line 10 all down to the word "specified" in line 12.

Strike out of lines 13 and 14 the words, "but they shall serve without pay."

Add to section 126 the following words:

Provided that until such outlying territory shall have attained a population or acquired taxable property equal to that of any one ward, it shall be attached for voting purposes to the ward or wards to which it lies adjacent, in proportion to the extent of its boundary bordering upon the same, as nearly as practicable.

The motion prevailed.

Mr. Foster moved

That subdivision 6 of section 2 be stricken out.

The motion prevailed.

Mr. Foster moved

That section 11 be stricken out.

The motion prevailed.

Mr. Cain moved

That in line 5, section 124, after the word "a" the words "general or" be inserted.

The motion prevailed.

Mr. Smith moved

That in line 124, section 6, after the word "the" the word "electors" be inserted, and the words "city council" and all following the word "provided" to be stricken out.

Mr. Hughes moved

That the bill be recommitted to the Committee on Education with instructions to so amend it that it will provide simply for a superintendent of public instruction and no more, and

The ayes and nays being required and

The roll being called there were ayes, 8; nays, 14; not voting, 2.

Those who voted in the affirmative were:

Messrs. Foster, Grigsby, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Galloway, Martin, Mead, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Smith.

So the motion was lost.

Mr. Hughes moved

That subdivision 4 of section 2 be stricken out.

The motion prevailed.

Mr. Bogert moved

The previous question which was ordered and

The question being shall the bill pass and

The roll being called, there were ayes, 19; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Foster, Grigsby, Harstad, McCumber, and Sheldon of Hand.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Mr. Cain moved

That the substitute for Council Bill No. 222 be printed.

The motion prevailed.

Mr. Collins moved

That the rules be suspended and that the Council proceed to the consideration of House bills.

The motion was lost.

Mr. Hughes offered the following resolution and moved its adoption,

Resolved, that the House of Representatives be and it hereby is requested to return to the Council, Council Bill No. 3.

The motion prevailed.

EXECUTIVE COMMUNICATION.

A sealed message having been received from his Excellency, the Governor, the chambers were cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened,

Mr. Smith moved

That the Council adjourn until 1 o'clock to-morrow.

The motion prevailed and

The president announced

That the Council stood

Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-SECOND DAY.

BISMARCK, March 3, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petition was presented and referred to the Committee on Federal Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens and qualified voters of Ward county, Dakota, do hereby petition your honorable body to memorialize Congress to form a new land district in North Dakota out of the northern part of the present Bismarck land district, and comprising all that territory west of the Devils Lake land district and north of the Missouri river, and comprising the counties of Ward, Renville, Stevens, Garfield, Buford, Montraille and Flannery and a part of McHenry and Wynn counties, and to have the land office located at Minot, in Ward county, Dakota, for the following reasons: First, all of said region of country is separated from Bismarck by a long stretch of unsettled country and is not connected with that city by railroad communication; that the St. Paul, Minneapolis & Manitoba railroad is now built and in operation to Minot, in Ward county, which place is the commercial center for all of said described territory, and is the division headquarters of the St. Paul, Minneapolis & Manitoba railroad; that all of said described district is rapidly settling up and the settlers are compelled to travel from 125 to 225 miles to transact their land business, which is certainly a great hardship to them. And for this your petitioners will ever pray.

LUSK BRACE, et al.

The following petitions were presented and referred to the Committee on Territorial Affairs:

To the Honorable the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: Your petitioners, residents of Dakota, would pray your honorable body to pass a bill granting women the right of suffrage.

G. W. ROBERTS and sixty-one others.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Custer City, county of Custer, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people

for ratification, and if the people shall so ratify, providing that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

S. R. SHANKLAND, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Lead City, county of Lawrence, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

THOMAS HANCOCK et al.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 2, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial agricultural college and an appropriation therefor.

House Bill No. 35,

A bill for an act providing for bounty for killing gophers, and providing for the payment of the same,

Which have passed the House and your favorable consideration is requested.

Respectfully,

W. G. EAKINS,

Chief Clerk.

HOUSE OF REPRESENTATIVES. }
 March 3, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 209,

A bill for an act to provide funds for the construction of
 necessary buildings for the Dakota Reform school at Plan-
 kinton, Dakota, and for other purposes,

Which has passed the House without change.

Very respectfully,
 W. G. EAKINS,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 3, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 301,

A bill for an act to suppress and prevent the spread of
 contagious or infectious diseases among domestic ani-
 mals,

Which has passed the House, with the following amend-
 ments to the original bill herewith transmitted:

Except that in section 19 of line 3 "two" be stricken out
 and "five" inserted.

That in section 15, line 2, \$2,000 be stricken out and
 "\$2,500" be inserted.

Which amendments are attached to the original bill.
 And request your favorable consideration thereof.

Also,

House Bill No 302,

A bill for an act to prevent the spread of contagious dis-
 eases among sheep,

Which the House has passed with the following amend-
 ments to the original bill, viz.,

House Bill No. 302.

A bill for an act to prevent the spread of contagious dis-
 eases among sheep.

And recommend that in line 1. section 4. after the word
 "shall" the word "knowingly" be inserted.

Also in 4th line of same section after "shall" insert the word "knowingly" and recommend the passage of the bill as amended and at once be placed on its third reading and final passage.

Which amendments are attached to the bill, and your favorable consideration thereof is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, {
BISMARCK, March 2, 1887. }

To the President of the Council:

Council Bill No. 9, entitled

An act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Is herewith respectfully returned, without my approval, for the following reason, to-wit:

That the title of the act does not indicate with sufficient certainty the nature of the bill. The bill does not appear upon the printed files. As to the merits of the bill, I do not speak, but the title of the act and the body of the bill are of such a character that a person examining the Session Laws might pass by the act, in case the law which is desired to be amended was under examination. All laws should be so plain and definite, and the titles of bills should be such, as would readily and plainly indicate to what subject matter they relate, and what is the clear intent of the Legislature.

Respectfully,

LOUIS K. CHURCH,
Governor.

The question then being shall the act pass, the objections of his Excellency the Governor to the contrary notwithstanding, and

The roll being called, there were ayes, 17; nays, 5; not voting, 2.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Collins, Dodge, Ericson, Foster, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Donovan, Galloway, Lawler, Wells.

Absent and not voting

Messrs. Allin, Washabaugh.

The necessary two-thirds voting in the affirmative,

The act was passed, the objections of the Governor to the contrary notwithstanding.

EXECUTIVE OFFICE, }
March 2, 1887. }

To the President of the Council:

Council Bill No. 188, entitled

An act providing for the refunding of premiums on bonds to certain public institutions.

I respectfully return this bill without my approval. The object of this bill is to require the return to the institutions named, the amount of premium or premiums realized upon the sale of bonds, the proceeds of which have been received by the different institutions named in the bill. The premium received for the sale of these bonds was, in reality, a premium upon the credit of the Territory, and I see no good reason why these different institutions should receive the benefit of that credit. There is no injury done to these institutions in withholding my signature to this bill. To say the least, I think the precedent a bad one. The legislature has it within its power to make the appropriation sufficiently large to cover any loss by the institutions by reason of the Territory being allowed to retain the amount of the premium realized upon the sale of these bonds.

Respectfully,
LOUIS K. CHURCH,
Governor.

The question being shall the act pass, the objections of the Governor to the contrary notwithstanding, and

The roll being called there were ayes, 9; nays, 12; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Collins, Dodge, Ericson, Grigsby, Harstad, Martin, Smith.

Those who voted in the negative were:

Messrs. Cain, Foster, Galloway, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Campbell, Donovan, Washabaugh.

The necessary two-thirds not voting in the affirmative
The act was lost.

EXECUTIVE OFFICE, }
BISMARCK, March 2, 1887. }

To the President of the Council:

Council Bill No. 111, entitled

A bill to prevent the spread of noxious weeds in the Territory of Dakota,

Is herewith respectfully returned to the Council without my approval.

The powers therein conferred in reference to the destruction of noxious weeds are of such a character that, if abused, might lead not only to great hardship, but likewise to great injustice to owners of property. In a country like ours, where vast quantities of land are unoccupied, and owned by non-residents, and the actual settler is devoting his best energies towards the gradual improvement of his farm, I deem that it would be very unwise, not to say dangerous, to pass an act of this character. A perusal of the act will show that it confers very arbitrary power and might lead to subjecting people to great annoyance from parties inclined to enforce the provisions of the act without a proper degree of consideration as to its real spirit and meaning, because the act leaves no discretion, section 5 providing "that when due notice has been given to any chairman of any township board, or of the county commissioners where there is no township organization, of the existence of any noxious weed growing or standing upon any lands, it shall be his duty to cause the destruction of the same, and in the event of his neglect or refusal to cause the destruction of the same within ten days thereafter, he shall be

subject to a penalty of not less than five nor more than twenty-five dollars." This, in connection with section 2 of the act, which reads: "In case any person or persons, railroad company or other incorporation owning, occupying or having any lands within this Territory, under his or their control as the case may be, shall refuse or neglect to destroy any noxious weed or weeds growing or standing upon any land or lands so owned, occupied or controlled, it shall be the duty of the town supervisors, county commissioners, city or village council or other person or persons having control of the highways, streets or alleys, where any such weeds may be found growing or standing to immediately destroy or cause the same to be destroyed, and pay therefor out of the general fund of such county,"—then providing that the amount paid for the destruction of such weeds shall be charged to the owner and the same shall be a lien upon the land and included in the taxes—might be considered as partaking of a reward to parties to interest themselves in bringing proceedings of this character.

I would likewise call attention to the fact that the legislature of 1885 has already legislated upon this question, a copy of which act I hereunto annex.

Respectfully,

LOUIS K. CHURCH,
Governor.

The question being shall the act pass, the objections of the Governor to the contrary notwithstanding, and

The roll being called there were ayes, 8; nays, 14; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Foster, McCumber, Sheldon of Day, Washabaugh.

Those who voted in the negative were:

Messrs. Bogert, Dodge, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Smith, Weiser, Mr. President.

Absent and not voting:

Messrs. Donovan, Wells.

The necessary two-thirds not voting in the affirmative
The act was lost.

EXECUTIVE OFFICE, ()
March 3, 1887.)

To the President of the Council:

Council Bill No. 17, entitled

“An act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers and for the recording such bonds and filing the same in the office of the Auditor of the Territory and for other purposes.”

I respectfully return this bill to the Council, without my approval.

Section 1 of said act makes it the duty of the attorney general to prepare printed blank forms of official bonds for the use of all territorial and county officials; section 2 of said act makes it necessary for the auditor to distribute said bonds; there is no appropriation in the act to enable the attorney general to carry out the purpose of the act. To impose upon an officer a duty without providing him the means renders it impossible for him to perform the act.

Section 3 of said act reads as follows: “It shall be the duty of each person elected to any office referred to herein to use the blanks so prepared before entering upon the discharge of his duties.” This is, in effect, saying that an officer can not qualify and enter upon the discharge of the duties of his office unless he uses the printed forms provided for in this act. To be sure, there is a proviso in section 3 “that bonds shall not be deemed invalid because executed otherwise than upon such blanks;” but this does not necessarily dispose of the objection that a public officer might be prevented, by a contest in the courts, or otherwise, from entering upon the discharge of his duties until he had technically complied with the provisions of this act, by using the printed bond. It seems to me that this is entirely too technical, and will lead to embarrassment, and result in much litigation. There are eighty-seven organized counties in this territory, and, I think I would be justified in saying, with an average of at least ten bonds that would come within the purview of this act, making between eight and nine hundred bonds that would have to be disposed of by the attorney general. This, of itself, probably is not a good objection, but taken into consideration with the objection as to the necessity of the officer using the printed blank.

leads to the conclusion that the suggestion that it would conduce to much litigation, is well taken.

Section 22 of said act reads as follows: "All fines and forfeitures imposed as a punishment for any offense or violation or neglect of any duty imposed by statute, may be prosecuted for and recovered by indictment in the district court; or when the amount or value thereof does not exceed \$100 the same may be prosecuted for by complaint before a justice of the peace, who shall have jurisdiction therefor concurrently with the district court, and in all cases of the imposition of a fine pursuant to statute, as punishment for any offense, the offender may be committed till the same is paid or he is otherwise discharged according to law." This act provides for the enforcement of a civil remedy for the collection of a forfeiture, by a criminal prosecution, under the form of indictment or complaint.

These are but a few objections to the bill, but of themselves justify me in withholding my approval from the same.

Respectfully,

LOUIS K. CHURCH,
Governor.

The question being shall the act pass; the objections of the governor to the contrary notwithstanding, and

The roll being called there were ayes, 12; nays, 8; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Ericson, Foster, Galloway, Grigsby, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser.

Those who voted in the negative were:

Messrs. Allin, Dodge, Harstad, Lawler, McCumber, Washbaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Donovan.

The necessary two-thirds not voting in the affirmative

The act was lost.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
House Bill No. 227,

Have considered the same and report it back with the re-
commendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
Council Bill No. 253,

Have duly considered the same and would recommend
its passage with the following amendments:

1. Strike out the word "municipality," in lines seven
and nine of section 1, and insert in lieu thereof the word
"corporation."

2. Strike out the word "organized," in line eight of sec-
tion 3, and insert in lieu thereof the word "created."

3. In line thirteen of section 3, after the word "town-
ship," insert the words "or by the board or tribunal that
was authorized by law to issue the original bonds."

4. In line nineteen of section 3, after the word "Coun-
cil," insert the words "or board of trustees."

The foregoing reference being to the printed bill.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Education, after due consideration
of

Council Bill No. 239,

Respectfully recommend that it do not pass.

E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was re-
ferred

Council Bill No. 238,

A bill for an act to provide an allowance to the justices
of the supreme court of the Territory of Dakota to defray
their traveling expenses, etc.,

Report that they have had the same under consideration
and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred Council Bills Nos. 2, 37, 39, 55, 177, 180, 183, 189, 207, 212, 216, 217, 218, 240, 242 and 246,

Report that they have had the same under consideration and make the following recommendations:

Council Bill No. 2, without recommendations.

Council Bill No. 37, amended by striking out the words "judicial district of the," in line 4, page 2, of the written bill, and that as amended the bill be passed.

Council bill No. 39, that the title be amended by striking out the words "and to abolish other methods of foreclosure of the same."

Also by striking out the words "the foreclosure of mortgages by advertisement on real property in the Territory of Dakota is hereby abolished and hereafter all," where they occur in the beginning of section 1.

Also by striking out the word "shall" in line 3 of section 1, printed bill, by inserting the word "may" in lieu thereof.

Also by striking out all that part of section 3 after the word "action" and by inserting in lieu thereof the words "including such amounts as the court may allow as attorney fees."

Also by inserting after the word "and" in line 5 of section 12, printed bill, the words "may order."

Also by inserting in line 14 of section 15, after the word "thereupon," the word "discharge."

Also, by striking out of section 16 all after the word "upon" in line 7 where it occurs before the word "any" and by inserting in lieu thereof the words "order that such portion as is sought to be relieved be sold in the manner provided by law for the sale of real property on execution, and when so sold it shall be relieved from such judgment and the lien of such mortgage, and the amount received from such sale, after deducting costs of sale, shall be applied in the satisfaction of such judgment."

And as so amended the bill be passed.

No. 55, without recommendation.

That Council Bills

Nos. 177, 180, 183 and 189 be passed by the Council.

That No. 207 be amended by striking out the words "as

to all contracts made subsequent to the passage of the same" in section 2.

And, as amended, the bill be passed.

That No. No. 212 be passed.

That No. 216 be amended by striking out the word "five" in line four of the written bill, and by inserting the word "three" in lieu thereof,

And as so amended the bill be passed.

That Nos. 217, 218 and 240

Be passed.

That No. 246 be not passed, and that No. 242 is reported without recommendation.

ALEXANDER HUGHES,
Chirman.

MR. PRESIDENT:

Your committee appointed to visit the North Dakota hospital for the insane and report upon its condition and management beg leave to report that they have visited said hospital, and after a careful examination and survey of the present condition of said hospital, as to general management—making use for this purpose of all the means at their command—find that in its government and general control it is all that could be reasonably hoped for. Everything about the institution was perfect as to its order and cleanliness. Frequent inquiries of the more rational of the inmates as to treatment, food and the granting of such privileges as their condition would seem to justify, always elicited the prompt reply that it was all that could be desired.

The crowded condition of all the wards, and especially of the more violent, your committee regard as something demanding speedy relief. In very many cases two patients are required to sleep in one bed, and this one a narrow one called three-quarter bed, or three-quarters of the width of an ordinary bed.

The scarcity of single rooms, or small rooms with one bed, your committee regard as greatly to be deplored, as it forbids the placing of violently insane persons in a room separate and apart from those who must be disturbed, and

their return to reason hindered by the mad ravings of another.

In the male ward some of the patients are kept, as a matter of necessity, in the basement, which was not designed to be used for such purposes.

The needs of the institution demand the erection of at least one new ward as soon as practicable.

Your committee believe that the system adopted, at this institution, of detached cottages or wards, is greatly to be desired in some of its features, but liable to great objections in others. It is surely an expensive method.

The wards now erected were built at a cost of about \$23,000 each and do not furnish sufficient room for the one hundred and forty-four patients now within their walls.

It is claimed by those having charge that the surplus above the capacity of the institution at present would fill another such ward, which your committee believes to be true.

Your committee respectfully suggest that a change of plan as to the size and interior arrangement of the new wards to be erected would give much greater accommodation, as to room, and with far less expense than if the present plan is continued.

Another feature of the present wards to which your committee think the attention of those having charge of the institution ought to be called is the insufficient fire escapes provided. While it is true that with the use of electric lights, fires are improbable, yet they are not impossible, and one narrow, winding staircase, with all the doors locked, is deemed entirely inadequate.

Your committee believe that the internal management of this institution, for all of which the superintendent is held responsible under the present law, ought to be under his direct control. In other words, that the steward, in the discharge of his duties, in all matters pertaining to the management of the hospital, should act under the advice and direction of the superintendent.

In conclusion, your committee feel that they cannot speak too highly of the gentleman placed in charge of this institution. His methods of government and his care of the poor unfortunates under his charge, commend him in an especial manner to the friends to humanity everywhere.

All of which is respectfully submitted.

C. H. SHELDON,
P. C. DONOVAN,
G. A. HARSTAD.

Committee of the Council.

D. F. ROYER,
JOHN HOBART,
JOHN BIDLAKE,
J. G. JONES.

Committee of the House.

MR. PRESIDENT:

We, your Committee on Appropriations, beg leave to submit the following report:

That we have examined
Council Bills Nos. 243, 230, 100, 174, 143, 63, and 235.
And that we have examined
House Bill No. 57.

We recommend the passage of Council Bill No. 230.

We recommend that Council Bill No 235 be passed with the following amendments:

That the figures "14,500" in line of section 1 after the words "fuel and lights" be stricken out and the figures "16,500" be inserted in lieu thereof, and that after the words "medical books" in line of the same section the words "miscellaneous periodicals and amusements for patients," and the figures "3,500" be stricken out and the figures "2,500" be inserted in lieu thereof.

In line of the same section after the word "dead" the figures "2,000" be stricken out and the figures "3,500" be inserted in lieu thereof.

And in line of the same section after the words "for patients" the figures "3,500" be stricken out and the figures "2,500" be inserted in lieu thereof.

And in the same section, line the figures "55,000" be stricken out and the figures "45,000" be inserted in lieu thereof.

That the figures "\$33,500.00" be stricken out where they occur after the words "wages of employes" and insert in lieu thereof the figures "\$27,000.00.

That Council Bill No. 100.

Be amended in the following manner:

1. By striking out the word "in" where it first appears

in section 1, and inserting in lieu thereof the words "within one mile of the corporate limits of," and by striking out the words "twelve thousand" in said section, and inserting in lieu thereof the words "twenty-five thousand" and by striking out the words "five acres within," and inserting in lieu thereof the words "forty acres within one mile of."

2. By striking out the word "twelve" where the same appears in section 9, and inserting in lieu thereof the words "twenty-five."

And that the bill do pass as amended.

That Council Bill No. 243,

Be amended by striking out the words "five thousand dollars" where they occur, after the words "burial of patients," and inserting in lieu thereof the words "thirty-five hundred dollars." (This is the last line of section 1.)

And that the bill do pass as amended.

And we do further recommend,

That Council Bill No. 63, and House Bill No. 57,

Do not pass.

Messrs. Hughes, Campbell and Dodge, dissenting.

All of which is respectfully presented,

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee would respectfully report and recommend that

Council Bill No. 241

Do pass.

A. W. CAMPBELL,
Chairman.

EXECUTIVE COMMUNICATION.

The following messages were received from his Excellency the Governor:

EXECUTIVE OFFICE, }
March 3, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 130,

An act to fix the compensation of sheriffs in certain cases.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE, ()
March 2d. 1887.)

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 137.

An act to amend chapter 70, of the session laws of 1885, relating to county mutual insurance companies.

Respectfully,

L. K. CHURCH,
Governor.

Mr. Grigsby offered the following concurrent resolution and moved its adoption:

Be it resolved by the Council of the Legislative Assembly, the House concurring, that Council Bill No. 107 be recalled from the hands of the Governor for the purpose of correcting the same.

The ayes and nays being required and

The roll being called, there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Cain, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Collins, Donovan, Hughes.

So the resolution was adopted and

The House of Representatives was informed of the action.

Mr. Hughes offered the following resolution and moved its adoption.

Resolved, That no member shall speak more than twice upon any question pending before the Council, nor for more than ten minutes in the aggregate except by unanimous consent.

The motion prevailed.

The House of Representatives having made certain amendments to

Council Bill No. 19,

“A bill for an act relating to marriages and the registration thereof.”

As set forth in their message of the 2nd inst,

Mr. Smith moved

That the Council concur.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 277,

Introduced by Mr. Matthews—

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural college for the current years of 1887 and 1888, and for other purposes,

Was read the first time.

Council Bill No. 278,

Introduced by Mr. Matthews—

A bill for an act entitled an act relative to the compensation of physicians and surgeons giving expert testimony in any court of this Territory.

Was read the first time.

Council Bill No. 279,

Introduced by Mr. Smith—

A bill for an act entitled an act to amend sections 197, 199 and 218 of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 280,

Introduced by Mr. Washabaugh—

A bill for an act to amend chapter 7 of the Session Laws of 1885,

Was read the first time.

Council Bill No. 281,

Introduced by Mr. Sheldon of Hand, (by request)—

A bill for an act to amend section 61, chapter 28, of the Political Code, entitled “Revenue,”

Was read the first time.

Council Bill No. 282,

Introduced by Mr. Martin—

A bill for an act for the regulation and fixing licenses of retail liquor dealers and pool and billiard halls in incorporated cities in the Territory of Dakota,

Was read the first time.

Council Bill No. 283,

Introduced by Mr. Campbell—

A bill for an act to amend section 407 of the Civil Code, relating to corporations,

Was read the first time.

Council Bill No. 284,

Introduced by Mr. Hughes (by request)—

A bill for an act to ratify acts of loan companies and building and loan associations, and to provide for their further existence without re-incorporation,

Was read the first time.

Council Bill No. 285,

Introduced by Mr. Martin—

A bill for an act fixing the date of annual elections in independent school districts not within the boundaries of incorporated towns in the Territory of Dakota,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 264,

A bill for an act providing for township organization,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 265.

Joint resolution limiting the time for the introduction of bills, joint resolutions and memorials in the 17th legislative assembly,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 266,

A bill for an act to amend section 5 of chapter 52 of the Session laws of 1879,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 268.

A bill for an act to appropriate four hundred and fifty dollars for the relief of Johanna Milton for moneys expended and services rendered at the New Orleans exposition.

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 269,

A bill for an act to amend section 104, of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 270,

A bill for an act to prohibit and punish dealing in futures,

Was read the second time and

Referred to Committee on Territorial Affairs.

Council Bill No. 271,

A Bill for an act to amend sections 101 and 102, of chapter 4, of the code of criminal procedure,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 272,

A bill for an act to provide for the registration of births, marriages and deaths in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 273,

A bill for an act relating to the issuing of watered, false or fraudulent and part paid and unpaid shares of the stock of railroad companies and providing penalties therefor,

Was read the second time and

Referred to the Committee on Incorporations.

House Bill No. 276,

A bill for an act making an appropriation to pay Henry Newton and Arthur Linn for services as pages of the Council,

Was read the second time and

Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 194,

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal School at Springfield, D. T.,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 21; nays, 2; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Foster.

Absent and not voting:

Mr. Dodge.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 257,

A bill for an act providing for the distribution of the Dakota supreme court reports.

Was read the third time.

Mr. Hughes moved

That the bill be amended in accordance with the recommendation of the report of the Committee on Appropriations.

The motion prevailed, and

The question then being shall the bill pass, and

The roll being called, there were ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 159,

A bill for an act to provide funds to pay the deficiency caused by the erection, heating and furnishing of the Normal school building and dormitory at Madison, Dak.

Was read the third time.

Mr. Ericson moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Mr. Hughes moved

That the rules be suspended and that
House Bill No. 241,

Be read the first, second and third times and put on its
final passage.

The motion prevailed, and
House Bill No. 241,

A bill for an act to provide funds to pay for the construc-
tion, heating and furnishing of the Normal school building
and dormitory at Madison, Dakota, and for other purposes.

Was read three several times.

Mr. Martin moved

That the bill be amended as follows:

Section 7 of House Bill No. 241, by striking out the whole
of said section and inserting in lieu thereof the follow-
ing:

“The territorial auditor of the Territory of Dakota is
hereby authorized and empowered to hear, determine, and
to audit claims against the Territory of Dakota under the
appropriation, as made in section 6 of this act, and as may
be requested by the board of said normal school, and the
said auditor is empowered to issue his warrants upon the
territorial treasurer for such sum or sums as he may allow
the several persons presenting the said claims, and the
treasurer is hereby directed to pay the amount mentioned
in such warrants out of the funds arising from the sale of
the bonds provided for in this act.”

Also, section 6, by striking out in second line thereof the
word “all” and inserting in lieu thereof the word “of.”

The motion prevailed, and

The question being shall the bill pass and

The roll being called, there were ayes, 22; nays, none;
not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan,
Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Mar-
tin, McCumber, Mead, Sheldon of Day, Sheldon of Hand,
Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Harstad.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 3, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars to reimburse John Nagle,

House Bill No. 299,

A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes,

House Bill No. 289,

A bill for an act to legalize assessment rolls,

And

House Bill No. 298.

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

Which have passed the House and your favorable consideration is requested.

Respectfully,

W. G. EAKINS,

Chief Clerk.

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls, and for other purposes,

Was read the third time.

Mr. Hughes moved

That the recommendations of the Committee on Appropriations be adopted.

The motion prevailed, and

The bill was amended accordingly.

Mr. Foster moved

That the word "six" in line 12, section 1, be stricken out, and "five" be inserted in lieu thereof.

The motion prevailed.

Mr. Grigsby moved

That the following be inserted as section 8, the present sections 8 and 9 to be renumbered accordingly:

The members of the board of trustees of the deaf mute school at Sioux Falls shall receive \$3 per day for each day of actual service, provided that no member of said board shall receive pay for more than twelve days in any one year; and provided further, said board shall have power to choose one of their number to act as superintendent of buildings and construction, who shall receive \$3 per day for each day of actual service, provided that the aggregate of such service, including service as a member of the board, shall not exceed seventy-two days in any one year.

Mr. Ericson moved

That all of the amendment, except that portion relating to the superintendent of construction, be stricken out.

The motion was lost.

The question then being on the motion of Mr. Grigsby and

The ayes and nays being required and

The roll being called there were ayes 18; nays, 5; not voting, 1.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Donovan, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Collins, Ericson, McCumber.

Absent and not voting:

Mr. Lawler.

So the motion prevailed.

Mr. Washabaugh moved

That the bill be amended by striking out the following words, in section 7:

“For three horses, three hundred and seventy-five dollars.”

Also “for harness, seventy-five dollars.”

Also “for carriage, one hundred and seventy-five dollars.”

The motion was lost.

Mr. Ericson moved

That the amount specified for purchasing a printing out-

fit be reduced from one thousand dollars to five hundred dollars,

The motion prevailed.

Mr. Ericson moved

That the amount specified "for carriage, one hundred and seventy-five dollars," be stricken out and that there be inserted in lieu thereof "for necessary vehicle one hundred dollars,"

The motion prevailed.

Mr. Ericson moved

That the amount specified for building laundry be reduced from two thousand dollars to one thousand dollars.

The motion prevailed.

Mr. McCumber moved

That the amount specified for building barn be reduced from fifteen hundred dollars to five hundred dollars.

The motion was lost.

Mr. Ericson moved

That section 7 be amended by inserting after the word "act" in line three the words "or so much thereof as may be necessary."

The motion prevailed.

Mr. Foster moved

That the words "twenty-five" in line seven of section 1. be stricken out and "twenty-three" be inserted in lieu thereof.

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Galloway.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 3, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal School building and dormitory at Madison, Dakota, and for other purposes,

With the message from the Council and respectively request that the same be transmitted after proper endorsement to the House.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

Council Bill No. 222 substitute,

A bill for an act to provide for extending or redistricting the limits of incorporated cities and towns.

Was read at length.

Mr. Cain moved that the substitute be adopted.

The motion prevailed.

Mr. Cain moved that the word "not" be inserted in line 7, section 2, after the word "land."

The motion prevailed, and

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Hughes, Lawler, McCumber, Sheldon of Hand, Sheldon of Day, Washabaugh, Weiser.

Absent and not voting:

Messrs. Collins, Dodge, Grigsby, Harstad, Martin, Mead, Smith, Wells, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 192,

A bill for an act entitled an act amending chapter 26 of the Political Code of the Territory of Dakota,

Was read the third time.

Mr. Ericson moved

That the bill be amended as recommended by the Committee on Judiciary.

The motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 22: nays, none: not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Grigsby and Martin.

So the bill passed, and

The question being as to its title.

Mr. Ericson moved

That the title be amended by adding thereto the words "relative to incorporation of cities and towns."

The motion prevailed, and

The title as amended was agreed to.

Council Bill No. 249.

A bill for an act defining the boundaries of Cavalier county and for other purposes,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 19: nays, 1: not voting, 4.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Allin, Grigsby, Harstad, Washabaugh.

So the bill passed, and,

The question being as to its title and being put.

Its title was agreed to.

Mr. Sheldon of Day, moved,
That the rules be suspended and the Council proceed to the consideration of House Bills on their third reading.

The motion prevailed.

House Bill No. 59,

A bill for an act to establish a territorial university, at Aberdeen, Dakota,

Was read a third time.

Mr. Campbell moved,

That the bill be amended as recommended by the committee on appropriations.

The motion prevailed,

Mr. Campbell moved,

That the bill be amended as follows:

By striking out the word and figure "5" in line two of section 2 of the printed bill and insert in lieu thereof the word and figure "six."

Strike out the word "to" in same line after the word "members" and insert in lieu thereof the words "five of whom shall."

Strike out the word "and" in line two of section 7 of printed bill and insert after the word "completing" in said line the words "furnishing and heating."

Insert after the word "bonds" in line six of section 7, printed bill, the following words "in denominations of five hundred (\$500) dollars each."

In line four of section 13 of the printed bill after the word "building" and before the word "and" insert the following "and furnishing and heating the same."

In section 15 by striking out the "mining and metallurgy."

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 18; nays, 3; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Ericson, Washabaugh.

Absent and not voting:

Messrs. Bogert, Donovan, Smith.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

House Bill No. 146.

A bill for an act providing funds for the construction and furnishing of a dormitory and president's residence for the University of North Dakota, at Grand Forks, Dakota, and for other purposes,

Was read the third time.

Mr. Hughes moved

That the bill be amended in accordance with the report of the committee on appropriations.

The motion prevailed.

Mr. Hughes moved

That the words "president's residence" be stricken out wherever it occurs in the bill and title.

The motion prevailed.

Mr. Washabaugh moved

That the amount appropriated by the bill be reduced from twenty thousand dollars to sixteen thousand dollars.

The motion was lost, and

The question being, shall the bill pass, and

The roll being called there were ayes, 21; nays, 2; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Washabaugh.

Absent and not voting:

Mr. Donovan, Harstad

So the bill passed and

The question being as to its title.

The title as heretofore amended was agreed to.

House Bill No. 197,

A bill for an act to provide funds for the purchase of an experimental farm, and the construction of dormitory, shops, laboratory and farm buildings for the agricultural college of Dakota at Brookings and for other purposes,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 22; nays, 1; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon, of Day, Sheldon, of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those voting in the negative were:

Mr. Bogert.

Those not voting were

Mr. Donovan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That the vote by which

House Bill No. 241,

Was passed be reconsidered.

The motion prevailed.

Mr. Hughes moved

That the bill be amended by inserting after the word "bonds" in line 9 of section 1 the words "in denominations of \$500 each.

The motion prevailed and

The question then being shall the bill pass and

The roll being called there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Donovan, Harstad.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Matthews moved

That House Bill No. 172,

Be made a special order for 3 o'clock to-morrow.

The motion prevailed.

Mr. Bogert moved

That Council Bill No. 2

Be made a special order for 2 o'clock to-morrow.

The motion prevailed.

Mr. Martin moved

That House Bill No. 48

Be made a special order for 4 o'clock to-morrow.

The motion prevailed.

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish Normal School and other purposes,

Was read the third time and

The question being shall the bill pass, and

The roll being called there were ayes, 19; nays, 2; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Foster.

Absent and not voting:

Messrs. Donovan, Harstad, Sheldon of Hand.

Mr. Hughes moved

That the Council adjourn to 1:30 o'clock to-morrow.

The motion prevailed, and

The president announced that the Council stood Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-THIRD DAY.

BISMARCK, March 4, 1887.

The Council met pursuant to adjournment, and in the absence of the president was called to order by Mr. Sheldon of Day, who nominated Mr. McCumber as temporary president, and, there being no other nominations Mr. McCumber was chosen and took the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names except Mr. President.

As printed copies of the Journal of yesterday's proceedings had not been received reading of the Journal was postponed.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Revenue have considered
House Bill No. 128,

And report the same back with recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your committee on judiciary to which was referred
Council Bill No. 80,

Report that they have had the same under consideration and recommend that the same be amended by striking out the concluding paragraph of section one, commencing with the words "and in counties," etc., and by inserting in lieu thereof the following: "And in counties having a population of three thousand people or less, the judge of the probate court of each of said counties shall receive a salary of two hundred dollars per annum, to be paid quarterly by the county; and in counties having a population of more

than three thousand and less than six thousand people, the judge of the probate court shall receive an annual salary of three hundred dollars; and in counties having a population of six thousand people, or more, the judge of the probate court shall receive an annual salary of four hundred dollars, to be paid as above prescribed;

Provided, that in counties where the fees of the judge of the probate court amount to more than one thousand dollars, then the judge of the probate court shall receive "no salary," and with this amendment that the bill be passed.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
Council Bill No. 7,

A bill for an act to provide for a public examiner,

Have considered the same and report

It back with the following amendments:

In line one of printed bill, insert one of whom shall be a republican.

In line 7 of section 3, between the words "and" and "instruct" insert "by himself or duly appointed deputy" the same words in line 10 after "disrtict."

In line 7, section 4, after "instruct" insert "or cause to be instructed."

In line 14, section 4, after "personally" insert "or duly appointed deputy."

Line 15, same section after "year," "or when requested by any board of county commissioners."

Line 26, same section, after "examination" insert "which shall be filed in the executive office."

Section 5, line 3, after "banking" insert "insurance" and after "deposit" insert "loan or."

Section 6, line five, after "banking" insert "insurance;" after "deposit" insert "loan or." The same in line ten, section 7. Line fourteen, same section, after "moneyed" insert "insurance," and line fifteen same.

Line twenty-six, after "banking" insert "insurance." Add to end of section 7 "and when necessary to employ stenographers or clerical help, the expense incurred therefor shall be collected by the examiner from the county or corporation in interest,"

Section 10, line two, after "examiners" insert "to aid."

If these amendments are adopted, the committee, by a majority vote, recommend the bill do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Charitable and Penal Institutions beg leave to report that they have had under consideration

Council Bill No, 223,

And recommend that the same pass.

E. G. SMITH,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Substitute for House Bill No. 86.

Report back the same with the recommendation that the same do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred Council Bill No. 264,

Report by recommending that the bill do pass.

S. P. WELL,
Chairman.

MR. PRESIDENT:

Your select committee to which was referred Council Bill No. 263,

Would report that they have considered the same and would recommend its passage with the following amendments, viz:

Strike out the words "under their direction" in line 4 of section 2.

Strike out section 12.

H. GALLOWAY, Chairman,
E. C. ERICSON,
T. D. BOGERT,
E. G. SMITH,
W. T. COLLINS.

MR. PRESIDENT:

Your Committee on Appropriations have duly considered House Bill No. 216 and Council Bills Nos. 256, 247 and 276.

We respectfully recommend that House Bill No. 216 be amended by striking out the word "regents" where it occurs in said bill, and insert in lieu thereof the word "directors," and that the bill when so amended do pass.

And we further recommend that Council Bills Nos. 256, 276 and 247 do pass.

All of which is respectfully recommended.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred House Bills Nos. 186, 187, 224, 226 and 253, and Council Bills Nos. 123, 139, 149, 152, 160, 197, 231, 248 and 266

Report that they have had the same under consideration and make the following recommendations, viz:

That said

House Bills Nos. 186, 187, 224 and 226

Be passed.

That said

House Bill No. 253

Be amended by striking out of section 1 all after the word "animal" where it occurs at the end of line eight, written bill, and by inserting in lieu thereof the words "shall be deemed guilty of a misdemeanor,"

And that as amended the bill be passed.

That Council Bill No. 123 be passed.

That

Council Bill No. 139,

Is reported without recommendation.

That

Council Bill No. 149.

Be amended by adding after the word "bonds" in line seventeen of the written bill the words "or responsible for their payment."

And that as amended the bill be passed.

That said

Council Bills Nos. 152, 160, and 197

Be passed.

That

Council Bills Nos. 231 and 248

Be not passed, and that

Council Bill No. 266

Be passed by the Council.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture, to which was referred

Council Bill No. 15,

Report the same without recommendation.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, to which was referred

Council Bills Nos. 165, 215, 164 and 69,

Report each of said bills properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
Council Bill No. 35,

Report the same back with recommendation that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on appropriations which has had
Council Bill No. 176,

Under consideration beg leave to report that section 1 of said bill be amended

By adding to the section the following words: "Provided that the territorial auditor shall hear and determine upon the merits and legality of said claims against the Territory before any sum can be paid to the said Geo. W. Hopp, and shall audit and cause to be paid only such sums as he shall upon hearing determine to be justly due from the Territory.

That section 2 be amended by inserting after the word "dollars" in line 4 of the written bill the following words: "Or so much thereof as shall be necessary to pay the amount which the territorial auditor shall determine to be justly due" and also by striking out all of the section after the word "payment" in the 8th line of the written bill and inserting in lieu thereof the following words: "Of all claims due from the Territory of Dakota to Geo. W. Hopp for furnish-

ing the plans and specifications for the Dakota agricultural college."

That section 3 be amended by inserting after the word "dollars" in the 4th line of the written bill "or so much thereof as he shall have determined upon a hearing to be justly due."

And as so amended we would recommend that the bill do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to which was referred

Council Bill No. 174,

Beg leave to report that we have had the same under consideration and report that section 1 of said bill be amended by adding thereto the following words:

"Provided, that the territorial auditor shall hear and determine upon the merits and legality of said claim against the Territory before any sum can be paid to the said George Lilley, and shall audit and cause to be paid only such sum as he shall upon such hearing determine to be justly due from the Territory."

That section 2 be amended by inserting after the word "dollars," in line five of the written bill, the following words: "or so much thereof as shall be necessary to pay the amount which the territorial auditor shall determine to be justly due."

That section 3 be amended by inserting after the word "dollars," in the fourth line of the written bill, the words "or so much thereof as he shall have determined, upon a hearing, to be justly due."

And as so amended we recommend that the bill pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee to which was referred

Council Bill No. 143,

Beg leave to report that we have had the same under consideration and report that our recommendation is that the bill do pass.

A. M. CAMPBELL,
Chairman.

Mr. Cain moved
That the rules be suspended and that
Council Bill No. 212
Be read the third time and put on its passage.

The motion prevailed and
Council Bill No. 212,

A bill for an act to legalize foreclosure proceedings in
certain cases,

Was read the third time and

The question being shall the bill pass, and

The roll being called there were ayes, 20; nays, none;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Ericson,
Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Mar-
tin, McCumber, Mead, Sheldon of Day, Sheldon of Hand,
Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Collins, Donovan, Smith, Mr. President.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Mr. Campbell moved,

That the rules be suspended and that

Council Bill No. 251,

Be read a third time and put on its final passage.

The motion prevailed, and

Council Bill No. 251,

"A bill for an act to appropriate funds to pay expenses
incurred by territorial militia at territorial encampment
held at Fargo, Dak., in September 1885,"

Was read the third time.

The question being shall the bill pass and

The roll being called there were ayes, 18; nays, 2;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Ericson, Foster,
Galloway, Harstad, Hughes, Lawler, Martin, McCumber,
Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser,
Wells.

Those who voted in the negative were:

Messrs. Grigsby, Washabaugh.

Absent and not voting:

Messrs. Bogert, Collins, Donovan, Mr. President.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Mr. Washabaugh moved

That the rules be suspended and that all House bills **now** on their first reading be read a first and second time **and** referred to appropriate committees.

The motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars to reimburse John Nagle,

Was read the first and second time and

Referred to the Committee on Appropriations.

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain as notary public of the Territory of Dakota,

Was read the first and second time and

Referred to the Judiciary Committee.

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Was read the first and second time and

Referred to the committee on Judiciary.

House bill No. 207,

A bill for an act to provide seed grain to the sufferers of drouth, hail and wind storms in the year 1886 in the several counties of the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 249,

An act prohibiting the playing of games in places where intoxicating vinous or malt liquors are sold,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 244,

A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota,

Was read the first and second time and
Referred to the Committee on Penal and Charitable institutions.

House Bill No. 237,

A bill for an act to amend chapter 113 of the general laws of 1881 entitled "exemptions for timber culture,"

Was read the first and second time and
Referred to the committee on judiciary.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Was read the first and second time and
Referred to the Committee on Revenue.

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

Was read the first and second times and
Referred to the Committee on Counties.

House Bill No. 142,

A bill for an act to provide for the location of alleys in cities and incorporated towns,

Was read the first and second time and
Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 178,

A bill for an act to amend section 655 of the Code of Civil Procedure,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 47,

A bill for an act to prevent drunkenness,
Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles

of indecent and immoral use, and to confiscate such property,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 289,

A bill for an act to legalize assessment rolls.

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 298.

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No, 281,

A bill for an act to legalize the acts of Allen M. Chansey as notary public,

Was read the first and second time and
Referred to the Committee on Judiciary.

House Bill No. 169,

A bill for an act to locate and establish the North Dakota territorial agricultural college and an appropriation therefor.

Was read the first and second time and
Referred to the Committee on Appropriations.

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Was read the first and second time and
Referred to the Committee on Cities and Municipal Corporations.

House Bill No 35,

A bill for an act providing for bounty for killing gophers, and providing for the payment of the same,

Was read the first and second time and
Referred to the Committee on Counties.

House Bill No. 299,

A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes,

Was read the first and second time and

Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 236,

A bill for an act to regulate telephones,
Was read the first and second time and
Referred to Committee on Territorial Affairs.

House Bill No. 235,

A bill for an act authorizing organized counties of the Territory of Dakota to build county buildings for court house or jail, or both, and for other purposes,

Was read the first and second time, and,
Referred to the Committee on Counties.

House Bill No. 301,

A bill for an act to suppress and prevent the spread of contagious diseases among domestic animals,

Was read the first and second time, and,
Referred to the Committee on Agriculture.

House Bill No. 302.

A bill for an act to prevent the spread of contagious diseases among sheep,

Was read the first and second time, and,
Referred to the Committee on Agriculture.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 286,

Introduced by Mr. Wells—

A bill for an act entitled "an act relating to irrigation ditches,"

Was read the first time.

Council Bill No. 287,

Introduced by Mr. Martin—

A bill for an act to amend chapter 99 of the Session Laws of 1881, relative to the Normal School at Madison, Dakota,

Was read the first time.

Council Bill No. 288,

Introduced by Mr. Foster—

A bill for an act to empower the city council of incorporated cities to issue bonds,

Was read the first time.

Council Bill No. 289,

Introduced by Mr. Cain—

A bill for an act concerning abstracts of title to homesteads,

Was read the first time.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 4, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 3,

A bill for an act to provide for the taxation of persons, co-partnership associations, car loaning companies, sleeping car companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads in this Territory, and not being exclusively the property of any railroad company paying taxes on their gross earnings.

Which is returned by request of the Council, of March 3.

Also,

House Bill No. 234,

A bill for an act to amend section 14, of chapter 26 of the Public Laws.

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same,

Which is transmitted without engrossment, with following amendments to original bill,

Amend by inserting after the word "Governor" where it occurs in line seven of section 1 of the printed bill the following: "for the second district and for the year 1887, the persons composing the present board of agriculture who reside within the said first district shall continue as the board of agriculture for said first district."

Amend by substituting the word "one" for the word "two" where it occurs at the beginning of line number five of section 1 of the printed bill.

Amend by supplying the word "Huron" after the word "at" in line eight, the figures "29" after the word "on" and the word "March" after the word "of," the same line.

Amend by supplying the words "the members of" before

the word "said" where it occurs in the twelfth line of section 1 of printed bill.

Amend by inserting the words "thereof, of their respective legislative districts" after the word "proxies" where it occurs line thirteen of section 1 of the bill as printed.

Amend by substituting the word "six" for the word "fifteen" where it occurs in line two and three of section 7 of the printed bill.

Amend by substituting the word "twenty-ninth" for the word "first" at the end of the ninth line of section 1, and by substituting the words "day of March" for the words "Tuesday in May" in the tenth line of section 1 of printed bill;

Which amendments are attached to the original bill,

Which have passed the House and your favorable consideration thereof is requested.

Council Bill No 67,

A bill for an act authorizing cities to refund outstanding bonded indebtedness,

Which has passed the House without change.

And,

Council Bill No. 156,

A bill for an act entitled "an act to require teachers of public schools to keep a record of the visits of county superintendents,"

And recommend that the bill do pass, as amended by the Committee on Education, by substituting the following for section 2 of said bill, to-wit:

SECTION 2. Whenever any county superintendent renders his account for services to the board of county commissioners he shall designate in such account each charge for visiting any school in the county, and this charge shall be separate from all other items, and no compensation for any such visit shall be allowed by any board of county commissioners until the copy of entry required by the preceding section has been filed as therein required.

Your concurrence in said amendments is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES. }
March 4, 1887. }

MR. PRESIDENT:

I have the honor to return herewith

Council Resolution recalling Council Bill No. 107,
From the Governor,
Which has passed the House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 4, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 321,

A joint resolution providing for the payment of William
Cober for hack hire during call of the House,

Which has passed the House and your favorable consid-
eration is requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

SPECIAL ORDERS.

The time for the consideration of the special order for
this hour having come

Council Bill No. 2.

A bill for an act to regulate grain warehouses and the in-
spection, weighing and handling of grain and defining the
duties of the railroad and warehouse commission in rela-
tion thereto,

Was taken up.

Mr. Dodge moved

That all after the enacting clause be stricken out and the
following inserted:

SECTION 1. That the duties imposed by the provisions
of this act and the powers conferred herein, shall devolve
upon the railroad commissioners created by chapter 126 of
the General Laws of the Sixteenth Legislative Assembly.

SEC. 2. That it shall be the duty of the railroad commis-
sioners of the Territory of Dakota to supervise the hand-
ling, inspection, weighing, grading and storage of grain
and seeds; to establish all necessary rules and regulations
for the weighing and inspection of grain, and for the man-
agement of the public warehouses of the Territory, as far
as such rules and regulations may be necessary to enforce
the provisions of this act or any law of this Territory in
regard to the same; to investigate all complaints of fraud

or oppressions in the grain trade of this Territory and to correct the same as far as it may be in their power.

SEC. 3. That the rules and regulations so established shall be printed and published by said railroad commissioners in such manner as to give the greatest publicity thereto, and the same shall be in force and effect until they shall be changed or abrogated by said commissioners in a like public manner.

SEC. 4. That all elevators or warehouses in this Territory in which grain is stored for a compensation are hereby declared to be public warehouses.

SEC. 5. That it shall not be lawful for the proprietor, lessee or manager of any warehouse or elevator mentioned in section 4 of this act to transact any business until a license has been procured from the railroad commissioners permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this Territory, which license shall be issued by the railroad commissioners upon a written application, which shall set forth the location and name and capacity of such elevator or warehouse and the individual name of each person interested as owner or principal in the management of the same; or, if the elevator or warehouse be owned or managed by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, and the said license shall give authority to carry on and conduct the business of a public warehouse, in accordance with the laws of this Territory.

SEC. 6. That the person, association or corporation receiving license as herein provided shall file with the commissioners granting the same a bond to the Territory of Dakota, with good and sufficient sureties, in the penal sum of not less than \$2,000 nor more than \$10,000, in the discretion of said commissioners, for each license so granted, conditioned for the faithful performance of duty as a public warehouseman, and a full and unreserved compliance with all the laws of this Territory in relation thereto. A fee of \$1 shall be paid for each license by the person, association or corporation applying for the same; provided, that when any person, association or corporation procures a license for more than one warehouse in this Territory, no more than one bond need be given, and one license granted for all elevators and warehouses operated by such person, association or corporation.

SEC. 7. That any person association or corporation who shall transact the business of public warehouseman without first procuring a license as herein provided, shall, on conviction, be fined a sum not less than one hundred dollars for each and every day such business is carried on. Every such license shall expire on the first day of August next following the issuance thereof.

SEC. 8. All owners of such elevators and warehouses so licensed, shall, upon the request of any person delivering grain at such warehouse, give a warehouse receipt therefor, subject to the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain, and shall state upon its face the quantity and grade fixed upon the same. All warehouse receipts issued for grain received shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No warehouse receipt shall be issued except upon actual delivery of grain into such warehouse. No such warehouseman shall insert into any warehouse receipt issued by him any language in anywise limiting or modifying his liability, as imposed by the laws of this Territory.

SEC. 9. On the return of any warehouse receipt properly indorsed, and the tender of all proper charges upon the property represented by it, such grain or an equal quantity of the same grade shall be immediately delivered to the holder of such receipt as rapidly as due diligence, care and prudence will justify. Nothing in this section shall be construed to mean the delivery of the identical grain specified in the receipt so presented, but an equal amount of the same grade, and if the grain so delivered has not been cleaned by said warehouseman, there shall be added to the amount so delivered, the amount originally deducted from the grain stored, for dirt, which amount shall also be delivered; and when such grain is to be shipped to some terminal point where such elevator company or warehouseman is then doing business, such elevator company or warehouseman shall guarantee both weight and grade.

SECTION 10. That every owner or manager of such warehouse, at such times as the commissioners shall require, shall furnish to the commissioners in writing, under oath, a statement of the condition and management of his business as such warehouseman. Such report shall show the total number of bushels of each kind and grade of grain in store, and the number delivered out, and the number remaining in store at the date of the report. But no ware-

houseman shall be required to weigh the grain on hand more than once in each year, and the warehouseman shall, in addition to the statements herein, be required to furnish to the commissioners any other information regarding the business of his warehouse which the commissioners may require.

SEC. 11. The commissioners shall cause every warehouse and the business thereof and the mode of conducting the same to be inspected at such times as the commissioners may order, by one or more members of the commissioners, who shall report in writing to the commissioners the result of such examination; and the property, books, records, accounts, paper and proceedings kept at each warehouse, so far as they relate to their condition, operation or management, shall, at all times during business hours, be subject to the examination and inspection of such commissioners.

SEC. 12. The railroad commissioners shall, before the first day of September in each year, establish a grade for all kinds of grain bought or handled by any elevator or warehouse in this Territory, which shall be known as "Dakota Grades;" but which shall not differ from grades in the state of Minnesota, and the grades so established shall be printed and published in the manner required by section 5 of of this act; provided, that no such publication shall be necessary, except when changes are made in such grades, and when the changes so made, only, shall be published.

SEC. 13. All moneys collected by the railroad commissioners, as herein provided for, shall be paid in the Territorial Treasury.

SEC. 14. It shall be the duty of the treasurer of the Territory of Dakota to receive all moneys aforesaid, and all fines and penalties collected by virtue of this act, and to keep a separate account of the same, and pay the same on the order of the railroad commissioners and not otherwise.

SEC. 15. Each warehouseman shall procure from the commissioners and shall at all times keep in a conspicuous place in his warehouse, a sample of each of the existing grades of grain established by the commissioners, which are handled or stored in such warehouse. No warehouseman or other person shall fraudulently change such samples or grades.

SEC. 16. Upon the delivery of grain from store upon any receipt, such receipt shall be plainly marked across its

face the word "canceled," and shall thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No warehouse receipt shall be issued except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by the receipts; nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where receipt for part of a lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original, and shall state on the face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered shall be canceled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be canceled the same as if the grain had been delivered from store, and the new receipts shall express on their face that they are a part of another receipt, or a consolidation of other receipts, as the case may be; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change; but no consolidation of receipts of dates differing more than ten (10) days shall be permitted and all new receipts issued for old ones canceled, as herein provided, shall bear the same date as those originally issued as near as may be.

SEC. 17. Every warehouseman of public warehouses shall be required, during the first week in September of each year, to publish in one of the newspapers (daily if there be such) published in the city or village in which said warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be increased during the year, or he shall cause the same to be plainly printed on the warehouse receipts or tickets, and such published rates or any published reduction of them, shall apply to all grain received into such warehouse from any person or source. The charges for

storage and handling shall in all cases, be equal and just, and shall not exceed the usual charges heretofore existing.

SEC. 18. The attorney general of the Territory of Dakota shall be ex-officio attorney for the railroad commissioners, and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said railroad commissioners may deem expedient and proper to institute, and he shall render to such railroad commissioners all counsel, advice and assistance necessary to carry out the provisions of this act, or any law of this Territory which said commissioners are required to enforce, according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for the violation of any of the provisions of this act, it shall be the duty of the district attorney of the county in which such prosecution is brought to prosecute the same to a final issue.

SEC. 19. All official bonds required to be given by any person, company or corporation pursuant to the provisions of this act, shall be filed in the office of the auditor of the Territory of Dakota, and suit may be brought thereon in any court having jurisdiction thereof for the use of any person or persons complaining of having sustained any injury by reason of a violation of the conditions thereof.

SEC. 20. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any other purpose, contrary to the direction of the owner, his agent or consignee. Each warehouseman shall also keep posted at all times in a conspicuous place in his warehouse a printed copy of the schedule of grades established by the commissioners, and a printed copy of this act and of the rules and regulations for the management of warehouses, established by the commissioners, to be furnished by the railroad commissioners.

SEC. 21. That any person, association or corporation or any representative thereof, who shall knowingly cheat or falsely weigh any wheat or other agricultural products or who shall violate the provisions of any section of this act, or who shall do or perform any act or thing herein forbidden, or who shall fail to do and keep the requirements as herein provided, shall, on conviction thereof, be subject to a

fine of not less than one hundred dollars nor more than one thousand dollars and be liable in addition thereto to imprisonment for not more than one year in the territorial prison, at the discretion of the court.

SEC. 22. This act shall take effect and be in force from and after July 1, 1887.

Mr. Collins moved

That further consideration of the bill be made a special order for 3 o'clock to-morrow.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

The consideration of the regular order was resumed, and

Council Bill No. 290,

Introduced by Mr. Collins (by request)—

A bill for an act providing insurance against hail and the mode of so insuring,

Was read the first time.

Council Bill No. 291,

Introduced by Mr. Galloway (by request)—

A bill for an act to define certain fees of sheriffs in foreclosure of mortgages,

Was read the first time.

Council Bill No. 292,

Introduced by Mr. Galloway—

A bill for an act to amend section 643 of the Penal Code,

Was read the first time.

Council Bill No. 293,

Introduced by Mr. Hughes—

A bill for an act to pay C. H. Wagner for lamps and chandeliers placed in the capitol building,

Was read the first time.

Council Bill No. 294,

Introduced by Mr. Hughes—

A bill for act for maintenance of the public officers of the Territory,

Was read the first time.

Council Bill No. 295,

Introduced by Mr. Hughes—

A bill for an act to provide funds for making permanent

and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read the first time.

Council Bill No. 296,

Introduced by Mr. Hughes—

A bill for an act making appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the first time.

Council Bill No. 297,

Introduced by Mr. Cain—

A bill for an act to legalize defective certificates of discharge of mortgagor,

Was read the first time.

Council Bill No. 298,

Introduced by Mr. Foster—

A bill for an act providing for civil townships to surrender and make void their organization,

Was read the first time.

Mr. Hughes moved

That the rules be suspended and

Council Bills Nos 295 and 296

Be read the second time and referred to appropriate committees.

The motion prevailed.

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 296,

A bill for an act making appropriation for the current and contingent expenses of the territorial penitentiary at Bismarck,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Hughes offered the following resolution and moved its adoption,

Resolved, That the compensation of Henry Newton and Arthur Lynn for services as pages of the Council is hereby fixed at \$2 per day.

The resolution was adopted.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, {
BISMARCK, March 4, 1887. }

To the President of the Council:

I have the honor to return herewith, pursuant to concurrent resolution requesting the same,

Council Bill No. 107,

A bill for an act to remove the political disabilities of Heinrich Muchow.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Collins moved

That Council Bill No. 168

Be made a special order for to-morrow at 4 o'clock.

The motion prevailed.

SPECIAL ORDERS.

The time for the consideration of the special order for this hour having come,

House Bill No. 172,

A bill for an act to define the boundaries of Ward and Renville counties,

Was read the third time.

Mr. Hughes moved

That the bill be amended by striking out section 4 and substituting the following therefor:

"SEC. 4. The treasurer of McHenry county is hereby authorized to collect all taxes heretofore levied in townships 153, 154, 155 and 156, of range 81 west of the 5th principal meridian, in the same manner as he is authorized to collect other taxes." Also, by striking out section 5 and substituting the following, therefor:

"SEC. 5. The county commissioners of Ward county shall annually levy a tax of one mill on the dollar on all taxable property in said Ward county and said taxes when collected shall be known as the "Indemnity Fund" and shall be paid to the treasurer of McHenry county by the treasurer of Ward county on or before the first day of January of each year, until the amount so

paid shall be sufficient to discharge the proportionate share of indebtedness of McHenry county chargeable to the townships named in section 4 of this act and whenever the said proportionate share of the indebtedness aforesaid shall have been paid as herein provided said levy shall be discontinued and no longer made by said commissioners, and any balance that may be left, of any such tax, after paying said proportionate share of indebtedness shall be turned into the general county fund of said Ward county.

Also by adding the following as section 6 of said bill.

SEC. 6. The Governor of the Territory shall, on or before the first day of May, 1887, order an election to be held in that part of the Territory which, by the terms of this act, is detached from McHenry county and attached to Ward county, and shall appoint three judges, residing in said territory, to conduct said election; said election to be conducted in the same manner as is now provided by the election laws of this Territory, except as hereinafter provided. Notice of said election shall be posted at least twenty days before said election, and shall contain a clause notifying the voters that said election is held for the purpose of giving the qualified voters of said territory an opportunity of voting upon the question of being attached to said Ward county; and the ballots voted at said election shall have written or printed upon them the words "For annexation to Ward county," or "Against annexation to Ward county," and the returns of said election shall be certified to the Governor. And if a majority of all the votes cast shall be in favor of annexation to Ward county, then said territory shall be attached to said Ward county; and if a majority of votes cast are against annexation to Ward county, then said territory shall be and remain a part of McHenry county; and the Governor shall, on or before the first of July, 1887, certify the result to the county clerk of Ward county and McHenry county respectively and the expenses of said election shall be paid out of the treasury of the county to which said territory shall hereafter be attached under the provisions of this act.

Also by adding the following, to be known as sections 7 and 8, viz:

SECTION 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage and approval.

The motion prevailed, and
 The question then being shall the bill pass, and
 The roll being called, there were ayes, 12; nays, 10;
 not voting, 2.

Those who voted in the affirmative were:
 Messrs. Allin, Campbell, Dodge, Galloway, Grigsby,
 Hughes, Lawler, Martin, McCumber, Sheldon of Day,
 Weiser, Wells.

Those who voted in the negative were:
 Messrs. Bogert, Cain, Ericson, Foster, Harstad, Mead,
 Sheldon of Hand, Smith, Washabaugh, Mr. President.

Absent and not voting:
 Messrs. Collins, Donovan.

So the bill passed, and
 The question being as to its title, and being put
 Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed bills beg
 leave to report that they have examined
 House Bill No. 59,

And the amendments made thereto by the Council and
 find such amendments correctly engrossed.

C. D. MEAD,
 Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
 port

Council Bill No. 163 properly engrossed.

C. D. MEAD,
 Chairman.

MESSAGE FROM THE HOUSE.

The following message as received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES, }
 March 4, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 74,

A bill for an act creating the office of county auditor
 and defining the duties thereof,

Which the House has passed with the following amendments to section 12:

That in line one, following the word "commissioner," the words "register of deeds" be inserted.

Amendment to section 13—at the close of section 13 the following words be added:

And the county clerk, where distinct from the register of deeds, shall become county auditor under this act.

Your concurrence is requested in said amendments.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

The president in the chair.

The time for the consideration of the special order for this hour having come,

House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

Was read the third time.

Mr. Ericson moved

A call of the House and

The call being seconded and the roll being called there were present:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent without leave:

Messrs. Collins, Smith.

After some time, the members being all in their seats,

Mr. Bogert moved

That further proceedings under the call be dispensed with.

The motion prevailed.

Mr. Cain moved

That the recommendations of the Committee on Federal Relations, as reported March 2nd. be adopted.

The motion prevailed.

Mr. Cain moved

That the following be inserted after the word "county," where it appears the second time in the proposed section 4:

"As evidenced by the vote cast at the last preceding general election."

The motion prevailed.

Mr. Bogert moved

That the words "and further disqualified from holding any office in such county" be stricken from section 3.

The motion prevailed.

Mr. Sheldon of Day, moved.

That the word "and" in line seventeen of section 3 be stricken out, and the word "or" be inserted in lieu thereof.

The motion prevailed.

Mr. Ericson moved

That the bill be amended by adding to section 6:

Provided, however, that this act shall not be construed to repeal chapter 150 of the General Laws passed at the Sixteenth session of the Legislative Assembly of the Territory of Dakota.

The motion prevailed.

Mr. Campbell moved

That the bill be amended by striking out section 1 and inserting the following:

SEC. 1. That at any time when a petition signed by at least one-third of the legal voters of any county, as shown by the preceding general election, shall be presented to the county commissioners of any county, or in their vacation to the auditor or county clerk of such county, praying that the question of prohibiting the sale of intoxicating liquors be submitted to the qualified voters of said county, it shall be the duty of said board of county commissioners, or auditor or county clerk to give notice of election as provided by law for the holding of annual or general elections, such election to take place within forty days after the reception by such board, or auditor or county clerk, of such petition and to be in all respects conducted as an annual or general election.

Mr. Ericson moved

That the proposed section 1 be amended so as to provide that the election be held at the time of the annual election in November next.

Mr. Smith moved

As a substitute, the following:

SECTION 1. If a petition, signed by at least one-third of

the legal voters of any county, as shown by the preceding general election, shall be presented to the county commissioners of any county, at least sixty days before the Tuesday next after the first Monday in November, in the year 1887, praying that the question of prohibition of the sale of intoxicating liquors be submitted to a vote of such county, it shall be the duty of the board of county commissioners to order an election to be held on the Tuesday next after the first Monday in November, 1887, at which election the qualified voters of such county shall vote upon the question of prohibiting the sale of intoxicating liquors in such county. Such election shall be in all respects conducted as general elections are conducted.

And the question being on the motion to substitute, and

The ayes and nays being required and

The roll being called there were ayes, 16; nays, 8; not voting, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Ericson, Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Dodge, Donovan, Galloway, Harstad, Hughes, Lawler, McCumber.

So the motion to substitute prevailed, and

The question being on the adoption of the substitute as section 1,

That motion prevailed.

Mr. McCumber moved

That all the bill after the enacting clause be stricken out and the following inserted:

SECTION 1. That whenever one-third of the qualified electors of any county in this Territory, not including those residing in any of the cities and towns mentioned in section 2 of this act, shall by petition duly presented to the board of county commissioners, or in their vacation, to the auditor or county clerk of such county, represent or pray that the question of prohibiting the sale of intoxicating liquors be submitted to a vote of the electors of said county, except those living in the aforesaid cities, it shall be the duty of the said board of county commissioners, or auditor or county clerk, to give notice of election as provided by law for the holding of annual or general elections. Such

election to take place within forty days after the reception by such board, or auditor or county clerk, of such petition, and to be in all respects conducted as annual or general elections.

SEC. 2. Whenever one-third or more of the qualified electors of any city or incorporated town in which the common council or board of trustees have the exclusive authority to grant licenses to sell intoxicating liquors shall petition such council or board that the question of prohibiting the sale of intoxicating liquors be submitted to the voters of said city or town, it shall be the duty of the clerk of such city or town to give notice of election as provided by law for the holding of annual or general elections. Such election to take place within forty days after the reception of such petition, and to be in all respects conducted as annual or general elections.

SEC. 3. All persons voting at any election held under the provisions of this act, who are opposed to the sale of such intoxicating liquors shall have written or printed on their ballots "against the sale," and those who favor the sale of such intoxicating liquors shall have written or printed on their ballots "for the sale."

SEC. 4. When an election shall be held under this act no other election for the same purpose shall be held until the next general election, and the result of such election shall remain in force unless changed at some subsequent general election.

SEC. 5. Should a majority of the ballots cast at such election be "against the sale," it shall be unlawful for any person within the limits of such county, city or town, as the case may be, to sell, barter, exchange or give away, or to issue any license to sell, barter, exchange or give away, for valuable consideration, either directly or indirectly, at any public place, any alcoholic, spirituous, vinous, malt or intoxicating liquors, or intoxicating bitters, or other drink which if drunk to excess will produce intoxication.

SEC. 6. Any person violating any of the provisions of this act shall on conviction thereof be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or be imprisoned not less than thirty days nor more than sixty days, or both, in the discretion of the court; and may be restrained from further violation by an injunction issued by the district court or a judge thereof. Upon the application of any person the district attorney

shall procure such injunction without security for costs, and shall prosecute all cases for violation of this act.

SEC. 7. Nothing in this act shall be construed to prevent druggists from selling wines for sacramental purposes, or furnishing pure liquors for medicinal purposes, or alcohol for mechanical purposes as prescribed by law.

SEC. 8. All acts, special or general, so far as they conflict with this act, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage and approval.

The question being on the adoption of the motion and The ayes and nays being required and

The roll being called there were, ayes, 4; nays, 20.

Those who voted in the affirmative were:

Messrs. Dodge, Galloway, Lawler, McCumber.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the motion was lost.

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Dodge, Donovan, Lawler, McCumber, Washabaugh, Wells.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled bills report.
Council Bill No. 229.

Properly engrossed.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled bills report,
Council Bills 164, No. 215, 165 and 69,
Report the same delivered to His Excellency, Governor
L. K. Church, March 4, 1887, 5:30 o'clock,

C. D. MEAD,
Chairman.

Mr. Boffert moved
That the Committee on Judiciary be excused from fur-
ther consideration of
House Bill No. 72.

The motion prevailed.

Mr. Bogert moved
That House Bill No. 72,
Be made a special order for 4 o'clock tomorrow,
The motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 275,

A bill for an act entitled "an act to provide for the gov-
ernment of the Agricultural College and Experimental
Station for the Territory of Dakota."

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 277,

A bill for an act to appropriate funds for the mainte-
nance of the Dakota Agricultural college for the current
years of 1887 and 1888, and for other purposes,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 278,

A bill for an act entitled an act relative to the compen-
sation of physicians and surgeons giving expert testimony
in any court of this Territory,

Was read the second time and
Referred to the Committee on Territorial Affairs.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 241,

A bill for an act to reimburse C. J. Cummings and M.
Ware for services as examiners of undergraduates apply-
ing for licenses to practice medicine,

Was read a third time and

The question being shall the bill pass and
The roll being called, there were ayes, 16; nays, 4;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Gal-
loway, Grigsby, Hughes, Lawler, Martin, McCumber,
Mead, Sheldon of Hand, Smith, Washabaugh, Weiser.

Those voting in the negative were:

Messrs. Foster, Sheldon of Day, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Ericson, Harstad.

So the bill passed.

Mr. Washabaugh moved

That the vote by which the bill had passed be reconsid-
ered,

The motion prevailed.

Mr. Washabaugh moved

That the bill be recommitted.

The motion prevailed, and

The bill was referred to the Committee on Public
Health.

Council Bill No. 100,

A bill for an act to establish a home for disabled soldiers,
sailors and marines in the Territory of Dakota,

Was read the third time.

Mr. McCumber moved

That the bill be amended as recommended by the Com-
mittee on Appropriations.

The motion prevailed, and

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, 7; not
voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Foster,
Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mc-
Cumber, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Mead, Sheldon of Day, Sheldon of Hand,
Smith, Washabaugh, Wells.

Absent and not voting:

Messrs. Bogert, Donovan.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Mr. Donovan moved that
Council Bill No. 113,
Be made a special order for 2 o'clock to-morrow.

Mr. Ericson moved
That the motion be amended by making the day Monday
next.

The motion to amend prevailed and
The motion as amended then prevailed.

Mr. Washabaugh moved
That the rules be suspended and that House Bill No. 57
be read a third time and put on its final passage.

The motion prevailed and
House Bill No. 57,

A bill for an act providing for the locating, establishing
and building of a soldiers' home and providing funds for
the same,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 3;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Foster, Galloway,
Grigsby, Hughes, Mead, Smith, Washabaugh, Wells, Mr.
President.

Those who voted in the negative were:

Messrs. Allin, Ericson, Harstad, Lawler, McCumber, Shel-
don of Day, Sheldon of Hand, Weiser.

Absent and not voting:

Messrs. Bogert, Donovan, Martin.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. McCumber moved
That the vote by which,
Council Bill No. 100
Was passed be reconsidered.

The motion was lost.

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a soldiers' home and providing funds therefor,

Was read the third time.

Mr. Foster moved.

That the report of the Committee on Appropriations thereon be laid on the table.

The motion prevailed.

Mr. Grigsby moved

That the word "fifty" be stricken out of line four in section 1 of the bill, and the word twenty-five be inserted in lieu thereof.

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes, 15; nays, 7; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Foster, Galloway, Grigsby, Hughes, Martin, Mead, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Donovan, Ericson, Harstad, Lawler, Sheldon of Day, Sheldon of Hand.

Absent and not voting:

Messrs. Bogert, McCumber.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 144,

A bill for an act to locate and establish a soldiers' home in the Territory of Dakota and provide for the management thereof,

Was read the third time, and

The question being, shall the bill pass, and

The roll being called there were ayes, 10; nays, 11; not voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Foster, Grigsby, Hughes, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Collins, Donovan, Ericson, Galloway, Har-

stad, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Weiser.

Absent and not voting:

Messrs. Bogert, McCumber, Mead,

So the bill was lost.

Mr. Hughes moved

That the rules be suspended and that

House Bill No. 86,

Be read a third time and put on its passage.

The motion prevailed and

House Bill No. 86,

A bill for an act to define the boundaries of the counties of Billings, Stark and Lawrence,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 19; nays, 4; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Foster, Harstad, McCumber, Mr. President.

Absent and not voting:

Mr. Bogert.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Foster moved

That the Council adjourn and

The motion prevailed, and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-FOURTH DAY.

BISMARCK, March 5, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and all the members responded to their names.

Mr. Collins moved

That a committee of two be appointed to act with a clerk of the Council to be designated by the chief clerk to examine and report as to the accuracy of the Journal of its proceedings.

The motion prevailed and the president appointed as such committee Messrs. Martin and Bogert.

Mr. Collins moved

That the Council now go into executive session.

The motion prevailed, the chambers were cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened

Mr. Lawler moved

That the rules be suspended and Council Bills Nos. 218 and 226 be read a third time and put upon their final passage.

The motion prevailed.

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

Was read the third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Donovan.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Donovan, Ericson.

So the bill passed and

The question being as to its title,

Mr. Campbell moved

That its title be amended by adding thereto the words "relating to the election of directors of railroad corporations."

The motion prevailed, and

The title as thus amended was agreed to.

Mr. Smith moved

That the vote by which

Council Bill No. 226

Was passed be reconsidered.

The motion prevailed, and

By consent, consideration of the bill was deferred.

PETITIONS AND COMMUNICATIONS.

The following petitions and communications were presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Alexandria, county of Hanson, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

H. BURLEA and 720 others.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Redstone, county of Hanson, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

ARTHUR W. BEACH, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

GENTLEMEN: Believing that all thoughtful women of our Territory desire—or ought to desire—to express themselves through the ballot, on the moral and educational questions which are very largely those of to-day and to-morrow,

And being convinced that comparatively little good will result from such expression, unless at the same time women have a voting voice on electing persons to execute measures thus carried.

And also believing that large numbers of women who would otherwise gladly avail themselves of the privileges and assume the duties, will, because of a like belief, decline to accept other than the full franchise, therefore, we as representatives of Kingsbury County Woman's Christian Temperance Union, most earnestly ask the bestowal from

your hands, of the powers of the full franchise upon the women of Dakota.

MARIE W. OWEN,
President, Kingsbury County Woman's Christian Union,
DeSmet.

SUSIE E. FIFIELD,
Vice President, Lake Preston.

EUNICE J. SPOONER,
Corresponding Secretary, Lake Preston.

LORA G. RUTH,
Treasurer, DeSmet.

ELSIE A. WHITING,
Superintendent Franchise Department, De Smet.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
House Bill No. 277,

Recommend that the bill be amended by striking out, in
section 1, line five, the words "when the amount to be paid
for the same exceeds," and insert in lieu thereof the words
"when the amount thereof, in their opinion, will exceed,"

And as so amended, recommend that the bill pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
House Bill No. 235,

Report by recommending that in section 7, line seven,
the word "order" be stricken out, and the word "bearer"
be inserted in lieu thereof,

And as so amended, recommend that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred
House Bill No. 267,

Recommend to amend section 3 by adding, "providing
that not to exceed fifty bushels of said seed grain shall be
furnished to any one applicant,"

And as amended do recommend the bill to pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred

Council Bill No. 241,

A bill for an act to reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine,

Has had the same under consideration, and beg leave to submit the accompanying substitute bill, and recommend that such substitute bill do pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

House Bill No. 142,

Would respectfully report the same without recommendation.

Also,

House Bill No. 201,

Beg leave the following amendment to section 7 in line twenty as follows:

After the words "village or township" in line nineteen, "and such library may be organized,"

And would recommend that the same do pass.

Also,

House Bill No. 299,

Which we recommend do pass.

J. S. WEISER,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture, to which was referred

House Bill No. 301,

Beg leave to report that they have had the same under consideration, and recommend that the same be amended as follows:

In section 7 of line fourteen after \$10,000 insert "or by imprisonment in the territorial prison for not less than one year nor more than five years, at the discretion of the court.

In section 15, line two strike out \$2,500, and insert in lieu thereof \$2,000.

In section 4, line sixteen, of the printed bill, strike out

the word "stockholders," and insert in lieu thereof "freeholders."

With these amendments your committee recommend that the bill do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your committee of engrossed and enrolled bills report Council Bills 19, 67 and 112 Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill 132 Report by recommending the bill to pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred House Bill No. 302 Beg leave to report that they have examined the same and recommend that the same do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Education, to whom Council Bills Nos. 187 and 275 Were referred, wish to report Council Bill No. 186, with the recommendation that it do not pass, and Council Bill No. 275 with the recommendation that it do pass.

Respectfully,
E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred Council Bill No. 187 and House Bills Nos. 72, 178, 272, 278 and 281,

Report that they have had the same under consideration and make the following recommendations, viz.:

That, to comply with the instructions of the Council of February 23d ult., the said Council Bill No. 187 be amended to read as follows:

A BILL.

For an Act Amending Section 1 of Chapter 60 of the General Laws of the Sixteenth Legislative Assembly, Entitled "An Act to Protect the Passage of Fish in the Dakota, Sioux and Sheyenne Rivers, and to Make the Same Apply to All the Streams of Dakota."

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly be and the same is hereby amended to read as follows, viz.: "Section 1. There shall be erected and maintained by the owner or owners of any dam across any streams in the Territory of Dakota a fishway, or chute, at least one foot in depth, at the edge of any such dam, and of proper width and in the proper part of any such dam, so as to allow all fish to freely pass up or down any such streams; the said fishway, or chute, shall be placed at an angle of not less than sixty degrees, and extend from the edge of said dam to the running water below the dam; and it shall be protected on each side by side-boards, at least one foot high, to confine the waters therein; said fishway, or chute, shall be constructed under the supervision of the commissioners of the county where any such dam is located, and be placed in such part of any such dam and built in such manner, in conformity to the provisions of this act, and of such material as they may direct."

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

That said

House Bill No. 72,

Is reported without recommendation.

That said

House Bill No. 178,

Be amended to read as follows:

A BILL

For an act to amend section 655 of chapter 31 of the Code of Civil Procedure, entitled "an act to enforce mechanic's liens."

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 655, chapter XXXI, Code of Civil Procedure, be and the same is hereby amended by adding to said section the following clause, viz:

Provided, that the provisions of this section and chapter shall not be construed to apply to claims or contracts for furnishing lightning rods or any of their improvements.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval,

And that as so amended the bill be passed.

That said House Bill No. 272 be amended to read as follows:

A BILL

For an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885, entitled "an act establishing the North Dakota Hospital for the Insane, and providing for the government of the Dakota Hospitals for the Insane.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 10 of chapter 68 of the General Laws of 1885, entitled "an act establishing the North Dakota hospital for the Insane, and providing for the government of the Dakota hospitals for the insane," be and the same is hereby amended by striking out the words "except steward" where they occur in said section; and that said section 11 of said chapter be and the same is hereby amended by inserting after the word "shall," in the first line of said section, the following words:

"Under the direction of the superintendent;"

Also by striking out the words "under the direction of the board of trustees," where the same occur after the word "hospital," in said section.

SEC. 2. This act shall be in force from and after its passage and approval.

And that as amended, the bill be passed, and that House Bill No. 278

Be passed; that
House Bill No. 281
Be passed by the Council.

ALEXANDER HUGHES,
Chairman.

MR PRESIDENT:

Your Committee on Appropriations respectfully report
and recommend that

Council Bill No. 268,
Is hereby returned without recommendation.
House Bill No. 147

Is herewith returned with recommendation that it do not
pass, Messrs. Hughes and Campbell dissenting to the report
of the majority of the committee on House Bill No. 147.

A. W. CAMPBELL,
Chairman.

Mr. Martin moved
That the vote by which
Council Bill No. 144
Was lost be reconsidered.

The motion prevailed.

Mr. Foster moved that
Council Bill No. 144

Be referred to the Committee on Charitable and Penal
Institutions.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 299,
Introduced by Mr. Martin, by request—

A bill for an act to amend section 61 of chapter 28 of
Political Code, relating to publishing notices of sale for de-
linquent taxes,

Was read the first time.

Council Bill No. 300,
Introduced by Mr. Martin—

A bill for an act compelling registers of deeds to keep
grantor and grantee indexes to conveyances and other in-
struments of record on file in his office affecting real estate,

Was read the first time.

Council Bill No. 301,
Introduced by Mr. Hughes—

A bill for an act to provide a hand book for the Eighteenth Legislative Assembly,

Was read the first time.

Council Bill No. 302,

Introduced by Mr. Hughes—

A bill for an act to provide for clerical assistance in the office of the territorial board of education,

Was read the first time.

Council Bill No. 303,

Introduced by Mr. Grigsby—

A bill for an act making appropriations for the maintenance of the territorial penitentiary at Sioux Falls, Dakota, for the ensuing two years,

Was read the first time.

Council Bill No. 304,

Introduced by Mr. Washabaugh—

A bill for an act to authorize the issuance of license for carrying on the business of public laundries,

Was read the first time.

Council Bill No. 305,

Introduced by Mr. Galloway—

A bill for act prescribing a form for the acknowledgment of deeds and other instruments, and to legalize acknowledgments heretofore made by deputy sheriffs,

Was read the first time.

Council Bill No. 306,

Introduced by Mr. Cain—

A bill for an act to amend section 16 of chapter 69 of the laws passed by the 16th Legislative Assembly, relating to insurance corporations,

Was read the first time.

Council Bill No. 307,

Introduced by Mr. McCumber,

A bill for an act to provide for struck juries.

Was read the first time.

Council Bill No. 74,

Having been returned from the House, with certain amendments,

Mr. Campbell moved

That the Council concur in said amendments.

The motion prevailed.

Council Bill No. 156,

Having been returned from the House, with certain amendments,

Mr. Smith moved

That the Council concur in said amendments.

The motion prevailed.

Mr. Grigsby moved

That the rules be suspended and

Council Bills Nos. 303, 304 and 305

Be read a second time this day and referred to appropriate committees.

The motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 279,

A bill for an act entitled "An act to amend sections 197, 199 and 218 of the Code of Civil Procedure,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 281,

A bill for an act to amend section 61, chapter 28, of the Political Code entitled "Revenue,"

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 282,

A bill for an act for the regulation and fixing licenses of retail liquor dealers and pool and billiard halls in incorporated cities in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 284,

A bill for an act to ratify acts of loan companies and building and loan associations, and to provide for their further existence without re-incorporation,

Was read the second time and

Referred to the Committee on Incorporations.

Council Bill No. 285,

A bill for an act fixing the date of annual elections in in-

dependent school districts not within the boundaries of incorporated towns of the Territory of Dakota,

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 286,

A bill for an act entitled "an act relating to irrigation ditches,"

Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 287,

A bill for an act to amend chapter 99 of the Session Laws of 1881, relating to the Normal School at Madison, Dakota,

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 288,

A bill for an act to empower the city council of incorporated cities to issue bonds,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 289,

A bill for an act concerning abstracts of title to homesteads,

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 290,

A bill for an act providing insurance against hail and the mode of so insuring,

Was read the second time and
Referred to the Committee on Insurance.

Council Bill No. 291,

A bill for an act to define certain fees of sheriffs in foreclosure of mortgages,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 292,

A bill for an act to amend section 643 of the Penal Code,
Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 293,

A bill for an act to pay C. H. Wagner for lamps and chandeliers placed in the capitol building,

Was read the second time and
 Referred to the Committee on Appropriations.
 Council Bill No. 294,
 A bill for an act for the maintenance of public offices of
 of the Territory,
 Was read the second time and
 Referred to the Committee on Appropriations.
 Council Bill No. 297,
 A bill for an act to legalize defective certificates of dis-
 charge of mortgages,
 Was read the second time and
 Referred to the committee on Judiciary.
 Council Bill No. 298,
 A bill for an act providing for civil townships to surren-
 der and make void their organization,
 Was read the second time and
 Referred to the Committee on Incorporations.
 Council Bill No. 303,
 A bill for an act making appropriation for the mainte-
 nance of the territorial penitentiary at Sioux Falls, Dakota,
 for the ensuing two years,
 Was read the second time, and
 Referred the Committee on Appropriations.
 Council Bill No. 304,
 A bill for an act to authorize the issuance of license for
 carrying on the business of public laundries,
 Was read the second time and
 Referred to the Committee on Territorial Affairs.
 Council Bill No. 305,
 A bill for an act prescribing a form for the acknowlege-
 ment of deeds and other instruments and to legalize ac-
 knowledgements heretofore made by deputy sheriffs,
 Was read the second time and
 Referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES, }
 March 5, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the General Laws of 1883,

House Bill No. 137,

A bill for an act to amend an act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota,

House Bill No. 166,

A bill for an act to provide for the payment of criminal prosecutions in judicial subdivisions composed of two or more counties,

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Which have passed the House, and your favorable consideration is requested.

And that the House has concurred in Council amendments to

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

House Bill No. 248,

A bill for an act for the protection of game,

House Bill No. 305,

A bill for an act regulating the salaries of registers of deeds and county treasurers, and for other purposes,

Which have passed the House, and your favorable consideration is requested.

Also,

House Bill No. 326,

Recalling House Bill No. 239 from the Governor for corrections,

In which your immediate consideration is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 238,

A bill for an act to provide an allowance to the justices of the supreme court of the Territory of Dakota to defray their traveling expenses,

Was read the third time.

Mr. Smith moved

That the bill be recommitted to the Committee on Territorial Affairs.

The motion was lost.

The question being shall the bill pass and

The roll being called, there were ayes, 13; nays, 10; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Galloway, Hughes, Lawler, McCumber, Sheldon of Day, Washabaugh, Weiser, Wells.

Those voting in the negative were:

Messrs. Bogert, Cain, Ericson, Grigsby, Harstad, Martin, Mead, Sheldon of Hand, Smith, Mr. President.

Absent and not voting:

Mr. Foster.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Campbell moved

That the rules be suspended and

House Bill No. 326

Be read three several times and put on its final passage.

The motion prevailed.

House Bill No. 326,

Joint Resolution to recall House Bill No. 239 from the governor,

Was read the first, second and third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Foster, Galloway, Harstad, Martin, Smith.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Grigsby moved
That Council Bill No. 107 be taken up.

The motion prevailed.

Council Bill No. 107,

A bill for an act to remove the disabilities of Henry Munchow and restore him to citizenship.

Mr. Grigsby moved to amend by striking out all after the word "manslaughter" and including the word "guilt" in the preamble to the bill.

The motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Bogert, Harstad, Martin.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
March 5, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved:

Council Bill No. 164,

An act to protect large game and quail in Dakota Territory.

Respectfully,

LOUIS K. CHURCH,
Governor.

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad and warehouse commission in relation thereto,

Was read the third time.

The question being on the amendment offered by Mr. Dodge, yesterday,

The amendment was adopted.

Mr. Weiser moved

That section 17 be amended by inserting after the words "equal and just" the following: "and be approved by the board of railroad commissioners before going into effect."

The motion prevailed.

Mr. Weiser moved

That the bill be amended by adding to section 21 the following: "and forfeit said elevator license."

The motion prevailed.

Mr. Collins moved

That the following proviso be added to section 5:

Provided, That it shall be unlawful for any warehouseman, company or corporation engaged in the purchase and storage of grain, subject to the provisions of this act, to enter into any contract, agreement or combination with any other such warehouseman, company or corporation for pooling in the purchase and storage of grain by different and competing warehousemen, companies or corporations to divide between them the aggregate or net proceeds of margins or profits resulting from their said business as warehousemen, or any portion thereof, and in any case of such contract, agreement or combination, for such pooling of their said business as warehousemen, each day of its continuance shall be deemed a separate offense. Any violation of this section shall, on conviction, be subject to a fine of not less than two hundred dollars for each offense.

The motion prevailed.

Mr. Donovan moved

That the bill be amended by adding to section 22 the following proviso:

Provided that every elevator having a capacity of ten thousand bushels and under shall be exempt from the provisions of this act.

The motion was lost.

Mr. Collins moved

That section 6 be amended by striking out "\$100,000," and inserting in lieu thereof "\$200,000, proportioned to the capacity of the elevators or warehouses."

The motion prevailed.

Mr. Sheldon moved

That the vote by which the amendment providing for forfeiture of license, was made to section 21, be reconsidered.

The motion prevailed, and

The question being on the adoption of that amendment, and

The ayes and nays being required,

The roll being called there were, ayes, 7; nays, 12; not voting, 3.

Those who voted in the affirmative were:

Messrs. Grigsby, Harstad, Martin, McCumber, Sheldon of Hand, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Dodge, Donovan, Foster, Galloway, Hughes, Lawler, Mead, Sheldon of Day, Washabaugh, Wells.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Ericson, Smith.

So the motion was lost.

Mr. Sheldon of Day moved a call of the house,

Which was ordered, and

The roll being called, Messrs. Cain, Campbell, Collins and Smith were found to be absent without leave.

After some time time, the members being all in their seats,

Mr. McCumber moved

That further proceedings under the call be dispensed with.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 22; nays, 2; not voting, none.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,

Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan and McCumber.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Dodge moved that Council Bill No. 168 be made a special order for Monday at 3 p. m.

The motion prevailed.

SPECIAL ORDERS.

The time for the consideration of the special order for this hour having arrived

House Bill No. 72,

A bill for an act to prohibit the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory,

Was read a third time.

Mr. McCumber moved

That further consideration of the bill be indefinitely postponed.

Mr. Bogert moved

A call of the House, and the call being seconded

The roll was called and it was found that Messrs. Donovan and Hughes were absent without leave.

After some time, the members all being in attendance,

Mr. Ericson moved

That further proceedings under the call be dispensed with.

The motion prevailed.

The question being on the motion to indefinitely postpone and

The ayes and nays being required and

The roll being called there were ayes, 7; nays, 17.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Galloway, Lawler, McCumber, Weiser.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day,

Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

So the motion was lost.

Mr. McCumber moved

That the bill be amended by inserting after the word "liquors" therein the word "cigars" and

The ayes and nays being required and

The roll being called there were ayes, 12; nays, 12; not voting, none.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Galloway, Lawler, Martin, McCumber, Smith, Weiser, Wells.

Those who voted in the negative were:

Messrs. Bogert, Cain, Ericson, Foster, Grigsby, Harstad, Hughes, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Mr. President.

So the motion was lost.

Mr. Bogert moved

The previous question, which was ordered, and

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Galloway, Lawler, McCumber, Weiser.

So the bill passed, and,

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 216,

A bill for an act to amend section 6 of chapter 61 of the Session Laws of 1881,

Was read the third time.

Mr. McCumber moved

That the bill be amended in accordance with the report of the Committee on Judiciary.

The motion prevailed.

The question then being shall the bill pass and

The roll being called there were ayes 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Donovan.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs,"

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, 1; not voting 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Ericson.

Absent and not voting:

Messrs. Allin, Bogert, Donovan.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, report

House Bills Nos. 172, 48 and 146,
Properly engrossed.

C. D. MEAD,
Chairman.

Mr. Hughes moved

That the Council take a recess until 7:30 o'clock.

The motion prevailed.

7:30 p. m.,

The Council reassembled, the president in the chair,

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory,

Was again read.

Mr. Grigsby moved

That the bill be amended by adding to the title the words "relating to meetings of directors of corporations,"

And by striking out all of section 1, and inserting in lieu thereof the following:

"Subdivision three of section 412 of the Civil Code is hereby amended by adding the following words:

Provided that the meetings of the boards of directors of railway corporations having one or more directors resident in this Territory, or having duly appointed an agent resident in this Territory upon whom service may be made, may be held at any place mentioned in the notice convening said board of directors, either within or without the Territory.

The motion prevailed and

The question then being shall the bill pass, and

The roll being called there were ayes, 15; nays, 1; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, McCumber, Mead, Sheldon of Day, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Harstad, Hughes, Lawler, Sheldon of Hand, Smith.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Dodge moved

That the rules be suspended and that the House bills now on their first reading be read the first and second time and referred to appropriate committees.

The motion prevailed.

FIRST AND SECOND READINGS OF HOUSE BILLS.

House Bill No. 150,

A bill for an act to amend an act entitled "an act to create a Territorial Department of Agriculture," and relating to agricultural societies and agricultural fairs, and providing for reports for the same,

Was read the first and second time and

Referred to the committee on appropriations.

House Bill No. 234,

A bill for an act to amend section 14, of chapter 26, of the Public Laws of 1879,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 305,

A bill for an act regulating the salaries of Registers of Deeds and County Treasurers,

Was read the first and second time and

Referred to the Committee on Revenue.

House Bill No. 248,

A bill for an an act for the Protection of Game,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 137,

A bill for an act to amend an act entitled "an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

Was read the first and second times and

Referred to the Committee on Public Health.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the General Laws of 1883,

Was read the first and second times and

Referred to the Committee on Judiciary.

House Bill No. 321,

Joint resolution providing for the payment of William Cobet for hack hire during call of the house,

Was read the first and second times and

Referred to the Committee on Appropriations.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Was read the first and second times and

Referred to the Committee on Territorial Affairs.

House Bill No. 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties,

Was read the first and second times and

Referred to the Committee on Judiciary.

SPECIAL ORDERS.

Consideration of the special order was resumed, and Council Bill No. 240,

A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 17; nays, 2; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. McCumber, Mr. President.

Absent and not voting:

Messrs. Collins, Harstad, Hughes, Lawler, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 177,

A bill for an act to provide for acquiring title to lands occupied by railroad companies,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 5; nays, 15; not voting, 4.

Those who voted in the affirmative were:

Messrs. Dodge, Galloway, Grigsby, Hughes, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Donovan, Ericson, Foster, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Campbell, Collins, Harstad, Lawler.

So the bill was lost.

Council Bill No. 189,

A bill for an act reviving and making operative in certain counties sections Nos. 1098 and 1100 of the Civil Code, entitled "Loan of Money,"

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Harstad, Lawler.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 91,

A bill for an act to amend chapter 72 of the laws of 1883 relating to selection of jurors,

Was read the third time.

Mr. Cain moved

That the word "printed" be stricken from the report of the Committee on Judiciary and that the word "written" be inserted in lieu thereof.

The motion prevailed.

Mr. Hughes moved

That the recommendation of the Committee on Judiciary as thus amended be adopted.

The motion prevailed.

Mr. Cain moved

That the words "twice" and "is" be stricken from line seventeen of section 3, and the words "three times" and "are" respectively be inserted in lieu thereof.

The motion prevailed, and
 The question being shall the bill pass, and
 The roll being called there were ayes, 20; nays, 1; not
 voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan,
 Ericson, Foster, Galloway, Grigsby, Hughes, Martin, Mead,
 Sheldon of Day, Sheldon of Hand, Smith, Washabaugh,
 Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Collins, Harstad, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No 266,

A bill for an act to amend section 5 of chapter 52 of the
 Session Laws of 1879,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 4; not
 voting, 2.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Donovan,
 Ericson, Foster, Hughes, Martin, McCumber, Mead, Sheldon
 of Hand, Smith, Washabaugh, Weiser, Wells, Mr. Presi-
 dent.

Those who voted in the negative were:

Messrs. Allin, Galloway, Grigsby, Sheldon of Day.

Absent and not voting:

Messrs. Harstad, Lawler.

So the bill passed, and

The question being as to its title,

Mr. Campbell moved

That the title be amended by adding thereto the words
 "an act authorizing the appointment of short hand report-
 ers for the district courts of the Territory."

The motion prevailed and

The title as amended was agreed to.

Council Bill No. 131,

A bill for an act amending chapter 140 of the Session Laws of 1885, fixing terms of the supreme court,

Was read the third time.

Mr. Foster moved

That the bill be amended by

Amend Council Bill 131 by striking out the word "two" in line three and inserting in lieu the word "three."

In line five by striking out "October" and inserting "February."

And after the word "May" in line six inserting—

"And one term at Redfield, commencing on the second Tuesday of October."

Mr. Hughes moved

That further consideration of the bill be postponed until Monday next at 4 o'clock.

The motion prevailed.

Mr. Hughes moved

That House Bill No. 189 be made a special order for the same hour.

The motion prevailed.

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane near Jamestown, Dakota,

Was read the third time.

Mr. Dodge moved

That the recommendations of the report of the Committee on Appropriations thereon be adopted.

The motion prevailed.

Mr. Donovan moved

That the words "medical books" be stricken from the bill.

The motion prevailed.

Mr. Hughes moved

That the figures "\$3,500," after the word "dead," be stricken out and "\$2,000" inserted.

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were, ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Grigsby, Harstad, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane for the year 1887 and 1888,

Was read a third time.

Mr. Hughes moved

That the recommendations of the report of the Committee of Appropriations thereon be adopted.

The motion prevailed.

Mr. Hughes moved

That the amount "3,500" after the word "patients" be stricken out and "2,000" be inserted in lieu thereof.

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Grigsby, Harstad, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 103,

A bill for an act entitled "An act to repeal an act to amend the charter of the city of Elk Point, Union county." approved March 12, 1885,

Was read the third time and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Grigsby, Harstad, Lawler.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness,

Was read the third time.

Mr. Huges moved

That the recommendations of the report of the Committee on Revenue be adopted.

The motion prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Ericson, Foster, Galloway, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Collins, Donovan, Grigsby, Harstad, Lawler.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 199,

A bill for an act defining some of the duties of registers of deeds, and repealing chapter 1 of the laws of 1881.

relating to the duties of the register of deeds in making abstracts of title of land,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Dodge, Ericson, Foster, Galloway, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Campbell.

Absent and not voting:

Messrs. Donovan, Grigsby, Harstad, Lawler.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 219,

A bill for an act to amend chapter §1 of the General Laws of 1885,

Was read the third time.

Mr. Hughes moved

That the recommendations of the report of the Committee on Judiciary be adopted.

The motion prevailed.

Mr. Hughes moved

That section 3 of the bill be amended by inserting after the word "in" and before the word "August," in the last line of section 3 of the written bill, the words "January and."

The motion prevailed, and

The question being shall the bill pass, and

The roll being called there were ayes, 20; nays, none; not voting, 4.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Grigsby, Harstad, Lawler.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Mr. Hughes moved

That

Council Bill No. 7,

Be made a special order for Monday next at 2:30 o'clock.

The motion prevailed.

Mr. Hughes moved

That the rules be suspended and that House Bill No. 245
be read the third time and put on its final passage.

The motion prevailed and

House Bill No. 245.

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of waterworks, telegraphic fire signals and fire apparatus,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 16; nays, none;
not voting, 8.

Those who voted in the affirmative were:

Messrs, Allin, Bogert, Cain, Collins, Dodge, Ericson, Foster, Galloway, Hughes, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Mr. President.

Absent and not voting:

Messrs. Campbell, Donovan, Grigsby, Harstad, Lawler, Sheldon of Day, Washabaugh, Wells.

So the bill passed and

The question being as to its title, and being put.

Its title was agreed to.

Council Bill No. 263,

A bill for an act to amend chapter 75 of the General Laws of 1883 in regard to drainage, as amended by chapter 47 of the General Laws of 1885,

Was read the third time.

Mr. Hughes moved

That the recommendations of the special committee
be adopted.

The motion prevailed, and

The question being shall the bill pass and

The roll being called there were ayes, 18; nays, 2; not
voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Dodge, Ericson, Foster, Galloway, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, McCumber.

Absent and not voting:

Messrs. Donovan, Grigsby, Harstad, Lawler.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That Council Bill No. 15 be made a special order for Monday next at 5 o'clock.

The motion prevailed.

Council Bill No. 35,

A bill for an act abolishing the office of county assessor in certain cases and creating the office of district assessor, and for other purposes,

Was read the third time, and

The question being shall the bill pass, and

The roll being called, there were ayes. 7; nays. 12; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Ericson, Galloway, Martin, Smith, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Collins, Dodge, Foster, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Donovan, Grigsby, Harstad, Lawler, Weiser.

So the bill was lost.

Mr. Galloway moved

That the Council go into executive session.

The motion prevailed, the chamber was cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened

Mr. Ericson moved

That the Council adjourn until 10:30 o'clock Monday.
The motion prevailed and
The president announced
That the Council stood
Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-SIXTH DAY.

BISMAROK, March 7, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After Prayer by the chaplain,
The roll was called and all the members responded to their names.

MOTIONS AND RESOLUTIONS.

The following resolution was offered by Mr. Harstad, who moved its adoption:

Resolved, That the compensation of the postmaster of the Council is hereby declared to be five dollars per day for each legislative day of this session.

Mr. Foster moved

That the resolution be amended by adding thereto the words "and that there be allowed to John Little two dollars per day to pay him for janitorial services in addition to the amount paid him as watchman."

The motion to amend prevailed and
The resolution as amended was adopted.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 308,

Introduced by Mr. Foster—

A bill for an act creating liens on grain for threshing bills.
Was read the first time.

Council Bill No 309,

Introduced by Mr. McCumber—

A bill for an act to amend an act entitled, "an act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887.

Was read the first time.

Council Bill No. 310,

Introduced by Mr. McCumber—

A bill for an act to amend section 13, chapter 19 of the Political Code relating to jurors,

Was read the first time.

Council Bill No. 311,

Introduced by Mr. Matthews—

A bill for an act entitled an act for ordering an encampment of the territorial militia,

Was read the first time.

Council Bill No. 312,

Introduced by Mr. Collins—

A bill for an act making appropriations for the University of North Dakota,

Was read the first time.

Council Bill No. 313,

Introduced by Mr. Grigsby—

A bill for an act to amend chapter 26 of Special Laws of 1883 and repealing portions of chapter 56, Laws of 1881, relating to the government and maintenance of the School for Deaf Mutes at Sioux Falls,

Was read the first time.

MESSAGE FROM THE HOUSE.

The following resolution was received from the House of Representatives:

Be it Resolved by the House of Representatives of the Legislature of the Territory of Dakota.

WHEREAS, The distress and suffering existing in many sections of the Territory by reason of the drouth and other

causes of the destruction of the crops of last season, having been brought to the attention of the members of this assembly, and

WHEREAS, In obedience to the popular demand for relief, and in recognition of the urgent necessity and propriety of such action, this House having on the 19th day of February, 1887, passed the bill entitled House Bill No. 147, providing for such relief, and

WHEREAS, The time for seeding the crop for this season being near at hand, and it being necessary that the aid proposed should be extended at an early date, in order to be of avail; and

WHEREAS, House Bill No. 147, as aforesaid, having been on the 23d day of February, 1887, transmitted to the Council of this assembly, and the favorable consideration of that body respectfully requested, therefore

Be it resolved by the House of Representatives of the Legislature of the Territory of Dakota that the attention of the Council of this assembly be and is hereby most respectfully called to House Bill No. 147, entitled "A bill for an act to provide seed grain and assistance for those whose crops were destroyed in 1886," and to the urgency of the early consideration of and action on said bill.

And for the favorable consideration of said bill by the Council, this House would respectfully pray.

Mr. McCumber moved

The rules be suspended and Council Bill No. 309 be read a second and third time and put upon its final passage.

The motion prevailed and

Council Bill No. 309,

A bill for an act entitled "an act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887,

Was read the second and third time and

The question being

Shall the bill pass, and

The roll being called, there were ayes, 20; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Campbell, Collins, Hughes, Mead.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Collins moved

The rules be suspended and Council Bill No. 312 be read a second time and referred to an appropriate committee,

The motion prevailed and

Council Bill No. 312.

A bill for an act making appropriations for the University of North Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Grigsby moved

That the rules be suspended and Council Bill No. 313 be read a second and third time and put upon its final passage.

The motion prevailed, and

Council Bill No. 313.

A bill for an act amending chapter 26, of Special Laws of 1883, and repealing portions of chapter 56, of laws of 1881, relating to government and maintenance of the School for Deaf Mutes at Sioux Falls.

Was read a second and third time and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Collins, Lawler, Weiser.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports of committees were submitted:

MR. PRESIDENT;

Your Committee on Counties to whom was referred
Council Bill No. 234,

Wish to report back the same with the recommendation
that the bill do not pass.

The committee also wish to report back
Council Bill No. 286,

With the recommendation that the bill do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations to whom was re-
ferred

Council Bill No. 208,

Wish to report back the same without recommendation.

The committee wish to report back

House Bill No. 238,

With the recommendation that the bill do pass.

W. E. DODGE,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was re-
ferred

House Bill No. 269,

A joint resolution for the appointment of a Joint Com-
mittee on apportionment,

Report that they have had the same under consideration
and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was re-
ferred

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws
of 1881 relating to mags and brands,

Report that they have had the same under consideration
and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Report that they have had the same under consideration and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 278,

A bill for an act for protection of game,

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use, and to confiscate such property.

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 270,

A bill for an act to prohibit and punish dealing in futures.

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 272,

A bill for an act to provide for the registration of births, marriages and deaths in the Territory of Dakota,

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 278,

Return said bill herewith without recommendation, except that the words "in legal or state medicine" in lines 28 and 29 be stricken out.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 233,

A bill for an act providing for the filing and recording of chattel mortgages by township clerks,

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 304,

A bill for an act to authorize the issuance of license for carrying on the business of laundries,

Report that they have had the same under consideration and recommend that the bill do pass, the chairman dissenting from this recommendation.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 289,

A bill for an act concerning abstracts of title to homesteads,

Report that they have had the same under consideration and recommend that the bill do not pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 102

And sundry bills relating to the protection of game, beg
leave to report the following substitute for Council Bill
No. 102.

E. W. FOSTER,
Chairman.

SUBSTITUTE FOR COUNCIL BILL NO. 102.

A BILL

For an act for Protection of Game and Song Birds.

SECTION 1. That if any person shall catch, kill, or injure or attempt to catch, kill or injure in any manner whatever, any prairie chicken or grouse between the first day of January and the twenty-fifth day of August, or any snipe, plover or curlew between the first day of May and the first day of August, or any wild duck between the first day of April and the twenty-fifth day of August, or any wild pigeon between the first day of April and the first day of October, or any wild song bird at any season of the year, or shall at any time or season catch, take or injure or attempt to catch, take or injure by means of any pens, nets, traps or pits or other device of any kind, any of the above mentioned birds or shall at any time or season disturb, rob or destroy any wild bird's nest, or take therefrom any egg or eggs of wild bird whatsoever; every such person shall be guilty of a misdemeanor and upon conviction shall be fined two dollans for each and every prairie chicken, grouse, snipe, plover, curlew, duck, wild pigeon, wild song bird, egg or eggs, bird's nest destroyed or found in his, her or their possession and the costs of prosecution including attorneys fees of five dollars and shall stand committed to the county jail until such fine and costs are paid, not to exceed one day's imprisonment for such two dollars of full amount of such fine and costs.

SEC. 2. It shall be the duty of all sheriffs, deputy sheriffs; coroners and constables elected and serving as such in any and all of the counties of this Territory to act

as game wardens of their respective counties and to attend to the enforcement of all the laws of Dakota for the preservation or protection of game, song birds and food fishes and to cause actions and proceedings to be brought for the necessary penalties and the punishment of violations provided for by said laws.

SEC. 3. All fines, fees and penalties recovered by virtue of this act or by virtue of any act relating to the protection of game in the Territory of Dakota shall after deducting all proper costs and charges be disposed of as follows: One moiety thereof shall be deposited with the county treasurer for the use and benefit of the general fund of the county in which the prosecution was made, and the other moiety shall be paid to the officer or person giving the information which led to the arrest of the offender and recovery of the fines and penalties.

SEC. 4. The provisions of chapter forty-one of the Political Code, and of chapter sixty-three, of act approved March 9, 1883, in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its approval.

MR. PRESIDENT:

Your committee on insurance to whom Council Bill No. 260

Was referred, wish to report that the original bill has been lost and would recommend that the printed bill be substituted therefor and amended

By striking out of section one, line four, the words "equal to" and insert instead the words "not to exceed,"

And as so amended recommend that the bill do pass, Mr. Galloway dissenting.

T. O. BOGERT,
Chairman.

MR. PRESIDENT:

Your committee appointed to examine the Journal, report that they have had the matter under consideration and state that they have examined the Journals of the 3d and 4th of March, instant, and find the same to be correct.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your committee on engrossed and enrolled bills report

Council Bill No. 156,
Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations have duly examined Council Bills Nos. 277, 303, 294, 293, 295 and 296,

Also,

House Bills Nos. 169, 243 and 298,

And we respectfully recommend that Council Bill No. 294 and House Bills Nos. 169 and 298 do pass.

That Council Bill No. 296 be amended as follows:

In line 7, by striking out the figures "3,000" where they occur therein, and inserting in lieu thereof the figures "2,400."

In line 8, by inserting after the word "bookkeeper" the words "and assistant gate keeper," and by striking out the figures "2,400" and inserting in lieu thereof the figures "2,000."

In line 9, by striking out the figures "21,600" and inserting in lieu thereof the figures "20,000."

In line 10, strike out the figures "27,040" and insert in lieu thereof the figures "25,000."

And that the bill do pass as amended.

That Council Bill No. 303 be amended:

In line 12, by striking out the figures "1,500" and insert in lieu thereof the figures "2,000."

In line 13, by striking out the figures "3,500" and inserting in lieu thereof the figures "3,000."

In line 15, by inserting after the word "gas" the words "electric lights."

And that the bill do pass as amended.

That Council Bill No. 277, be amended as follows:

In section 1, line 6, by striking out the words, "thirty-four thousand five hundred dollars," and inserting in lieu thereof the words, "twenty-seven thousand dollars." In line 9, by striking out the words "five thousand dollars" and inserting in lieu thereof the words "six thousand dollars."

And that the bill do pass as amended.

That House Bill No. 243 do not pass.

That Council Bill No. 293 be amended

By striking out the figures "\$913.10." in line and inserting in lieu thereof the figures "\$650."

And that the bill do pass as amended.

And that Council Bill No. 295 do pass with the following amendments:

That line No. 7 be amended by striking out the figures "6,000" and inserting in lieu thereof the figures "4,000."

That in line 8 the figures "1,500" be stricken out and the figures "1,000" be inserted in lieu thereof.

That in line 9 the word "furnishing" be stricken out and the word "finishing" be inserted in lieu thereof.

In line 13 that the figures "1,000" be stricken out and the figures "600" be inserted in lieu thereof.

In line 15 by striking out the figures "1,000" and inserting in lieu thereof the figures "500."

In line 16 after the words "work shop," insert the words "tools and necessary machinery."

That lines 17 and 18 be stricken out.

That the figures "10,000" in line 23 be stricken out and the figures "2,000" be inserted in lieu thereof.

That the figures "88,900" be stricken out where they occur in line 25 of this bill and the figures "66,000" be inserted in lieu thereof.

And that the bill do pass as amended.

All of which is respectfully submitted.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to which was referred Council Bill No. 236,

Beg leave to report as follows:

That said bill be amended by striking out all after the enacting clause and substituting therefor the following provisions:

And that as thus amended, the bill do pass.

H. GALLOWAY,
Chairman.

SECTION 1. All bonds, warrants, orders or other evidences of indebtedness heretofore issued by any incorporated board of education or incorporated school district, prior to July 30th, 1886, under and by authority of any special or general law may be refunded in the discretion of the proper officers of such incorporated board of education or incorporated school district in the manner hereinafter provided, whenever there is not sufficient money in

the treasury of such incorporated board of education or incorporated school district, legally applicable thereto, to pay such bonds, warrants, orders or other evidences of indebtedness.

SEC. 2. Said bonds shall be in denominations of not less than \$100 nor more than \$1,000, and shall be numbered consecutively, and shall bear date of their issue and shall be made payable to the purchaser, or bearer, and shall be made payable not less than ten nor more than twenty years from their date of issue and shall bear a rate of interest not exceeding 7 per cent. per annum, payable annually or semi-annually as shall be agreed upon by the parties interested and shall have interest coupons attached representing each interest payment and the principal and interest shall be made payable at such place as may be agreed upon by the contracting parties.

Said bonds shall be printed, lithographed or engraved on bond paper and a duly authenticated copy of this Act shall be printed on the back of each bond, and they shall recite upon their face, that they have been issued under and by authority of this Act (naming it by its title, and giving the date of its approval).

SEC. 3. Bonds issued under the provisions of this Act shall be authorized in the case of an Incorporated Board of Education by a resolution of the Board of Education and said bonds shall be executed by the president and attested by the clerk thereof, and the seal of said Board of Education shall be fixed thereon, and in the case of an incorporated school district they shall be authorized by a resolution of the school board and shall be executed by the president or director of said board as the case may be, and attested by the clerk thereof.

SEC. 4. The officers authorized by the provisions of this act to authorize the issuance of the bonds shall provide for the sale and negotiation thereof or for the exchange of said bonds for the outstanding bonds, warrants, orders or other evidences of indebtedness, authorized to be refunded under this act, as they may deem best; provided, that such refunding bonds shall not be sold or exchanged for less than their par value.

SEC. 5. A register of all bonds issued under the provisions of this act shall be made by the clerk of the board issuing them and shall be kept in his office as a public record, showing the number, date, amount, rate of interest.

(whether payable annually or semi-annually) and the time and place of payment of all bonds so executed and issued.

SEC. 6. And after such outstanding bonds, warrants, orders or other evidences of indebtedness shall have been so refunded, the same shall be registered in the manner hereinbefore provided for bonds issued under the provisions of this act and shall be cancelled by writing across the face of each bond, warrant, order or other evidence of indebtedness the words, "Paid by refunding bond No., this day of, 188. . .," (inserting the number, date and amount) and the clerk shall carefully preserve such refunded evidences of indebtedness.

SEC. 7. At the same time that other taxes are levied, there shall be levied annually on the taxable property of any incorporated school district or city, whose incorporated board of education is authorized to levy taxes upon the taxable property therein for the support and maintenance of the schools therein, a tax sufficient to pay the interest on such bonds as the same becomes due, and after seven years from the date of such bonds in addition thereto annually a sinking fund tax sufficient to pay the principal of such bonds when they mature, which taxes shall become due and be collected the same as other taxes.

SEC. 8. When said bonds and the several interest coupons thereto attached matures, it shall be the duty of the treasurer of such incorporated board of education or incorporated school district issuing them to pay the same on presentation and to cancel them as hereinbefore provided for the cancellation of refunded bonds, orders or other evidences of indebtedness.

SEC. 9. All bonds issued substantially in accordance with the provisions of this act, shall in law be considered negotiable.

SEC. 10. All acts or parts of acts, whether general or special provisions of the charter of any incorporated board of education or city, in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage and approval.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 275,

A bill for an act entitled "an act to provide for the government of the agricultural college and experimental station for the Territory of Dakota.

Was read the third time.

The question being shall the bill pass, and
The roll being called there were ayes, 21; nays, none;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Foster, Galloway, Harstad, Lawler, Mar-
tin, McCumber, Sheldon of Day, Sheldon of Hand, Smith,
Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Grigsby, Hughes, Mead.

So the bill passed and

The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 141,

A bill for an act to provide for the relief of Frederick P,
Benjamin, and to appropriate the sum of six hundred (600)
dollars therefor,

Was read the third time.

Mr. Dodge moved

That Council Bills Nos. 141, 254 and 255 and House Bill
No. 34,

Be made special order for to-morrow at 3 p. m.

The motion prevailed.

Council Bill No. 143,

A bill for an act authorizing the adjutant general to pur-
chase arms, equipments, and to provide for the use of the
same at the Agricultural College at Brookings.

Was read the third time, and

The roll being called there were ayes, 10; nays, 11; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Ericson, Foster,
Lawler, Sheldon of Hand, Smith, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Donovan, Galloway, Grigsby,
Harstad, Martin, McCumber, Mead, Sheldon of Day, Wash-
abaugh, Weiser, Wells.

Absent and not voting:

Mr. Hughes.

So the bill was lost.

Council Bill No. 174,

A bill for an act to reimburse and pay George Lilly for money advanced to complete a portion of certain public buildings,

Was read the third time.

Mr. Matthews moved

The report of the committee be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 20; nays, 1; not voting, 3.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Mr. President.

Those who voted in the negative were:

Mr. Donovan.

Absent and not voting:

Messrs. Washabaugh, Weiser, Wells.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 176,

A bill for an act to reimburse and pay Geo. W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings,

Was read the third time.

Mr. Matthews moved

The report of the committee be adopted.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 3; not voting, 5.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Mr. President.

Those voting in the negative were:

Messrs. Allin, Donovan, McCumber.

Absent and not voting:

Messrs. Hughes, Smith, Washabaugh, Weiser, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 239,

A bill for an act to locate and maintain a Territorial Normal school department at Tower City, in the county of Cass and Territory of Dakota, in connection with Tower university,

Was read the third time.

The question being shall the bill pass and

The roll being called, there were ayes, 9; nays, 10; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Dodge, Foster, Galloway, Grigsby, Lawler, Mead.

Those who voted in the negative were:

Messrs. Donovan, Ericson, Harstad, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Hughes, Smith, Weiser.

So the bill was lost.

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation for the chief clerk of the 10th and 11th sessions of the Legislative Assembly of Dakota.

Was read the third time.

Mr. Ericson moved

The adoption of a substitute bill presented.

The motion prevailed.

Mr. Sheldon moved

That the bill be amended by striking out the sum \$240 therein and inserting \$120.

Mr. Smith moved

That the motion be amended by striking out the sum \$120 and inserting therein \$200.

The motion prevailed, and

The motion as amended then prevailed, and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 10; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Ericson, Grigsby, Hughes, Lawler, Mead, Smith, Washabaugh.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Foster, Galloway, Harstad, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Wells. Mr. President.

Absent and not voting:

Mr. Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 230,

A bill for an act making an appropriation for the maintenance of the School of Deaf Mutes at Sioux Falls,

Was read the third time.

Mr. Sheldon of Day moved

That the provision for head teacher be stricken out.

The motion was lost.

Mr. Grigsby moved

That section 2 of the bill be stricken out.

The motion prevailed, and

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Cain, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Martin, McCumber, Sheldon of Day, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Harstad, Lawler, Mead, Sheldon of Hand, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith the following Council bills, which have passed the House without change, to-wit:

Council Bill No. 163,

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Also,

Council Bill No. 257,

A bill for an act providing for the distribution of the Dakota supreme court reports.

Also,

Council Bill No. 50,

A bill for act to amend section 677 of Code of Civil Procedure, relating to damages caused by railroads,

Also,

Substitute for House Bill No. 159,

A bill for an act creating the counties of Pierce and Church and defining the boundaries of the counties of "Bottineau," "Roulette," "McHenry," and "Sheridan," and for other purposes.

Also,

House Bill No. 322.

Joint Resolution pertaining to the Turtle Mountain band of Chippewa Indians.

Which have passed the House and your concurrence is respectfully asked.

W. G. EAKINS,
Chief Clerk.

Mr. Smith in the chair.

Mr. Matthews moved

That the vote by which Council Bill No. 275 passed be reconsidered.

The motion prevailed.

Mr. Matthews moved

That the bill be amended by inserting the following as sections Nos. 17 and 18:

SEC. 17. That there is hereby established an agricultural experiment station in connection with the Agricultural College of Dakota and under the direction of the board of directors of said college, for the purpose of con-

ducting experiments in agriculture according to the terms of section 1 of an act of Congress, approved March 3, 1887, and entitled "an act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two and of the acts supplementary thereto."

SEC. 18. The assent of the Legislature of Dakota is hereby given, in pursuance of the requirements of section 9 of said act of Congress approved March third, eighteen hundred and eighty-seven, to the grant of money therein made, and to the establishing of an experiment station in accordance with section 1 of said last mentioned act, and assent is hereby given to all and singular the provisions of said act.

Section 17 to be renumbered section 19.

The motion prevailed and

The question being shall the bill pass, and

The roll being called there were, ayes, 14; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Ericson, Foster, Harstad, Hughes, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser. Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Donovan, Galloway, Grigsby, Lawler, McCumber, Sheldon of Day, Wells.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

The following report was submitted.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report

Council Bills Nos. 19, 112, 67 and 156,

Delivered to His Excellency Governor L. K. Church, March 7th, 1887, at 2 p. m.

C. D. MEAD,
Chairman.

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Was read the third time and
 The question being shall the bill pass and
 The roll being called there were ayes, 17; nays, none;
 not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster,
 Grigsby, Harstad, Hughes, Lawler, McCumber, Mead, Shel-
 don of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Galloway, Martin, Shel-
 don of Day, Smith.

So the bill passed and
 The question being as to its title and being put,
 Its title was agreed to.

Council bill No. 236.

A bill for an act to provide for refunding the outstand-
 ing indebtedness which existed prior to July 30, 1886, of
 any incorporated board of education or school district in
 the Territory of Dakota.

Was read a third time.

Mr. Dodge moved

That the recommendation of the Committee on Revenue
 be adopted.

The motion prevailed, and

The question being shall the bill pass, and

The roll being called there were, ayes, 14; nays, none;
 not voting, 10.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Donovan, Ericson, Fos-
 ter, Grigsby, Harstad, Hughes, Lawler, Sheldon of Hand,
 Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Galloway, Martin, McCum-
 ber, Mead, Sheldon of Day, Smith, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Ericson moved

That the rules be suspended and that House Bill No. 216
 be read the third time and put on its passage.

The motion prevailed and

House Bill No. 216,

A bill for an act to provide funds for the construction of a dormitory and main building of the University of Dakota.

Was read the third time.

Mr. Ericson moved

That the word "regents" be stricken from the bill wherever it occurred and that the word "directors" be inserted in lieu thereof.

The motion prevailed and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 2; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson, Grigsby, Harstad, Hughes, Lawler, Mead, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Foster, McCumber.

Absent and not voting:

Messrs. Bogert, Dodge, Galloway, Martin, Sheldon of Day, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Cain presented the following telegram and moved

That it be spread upon the Journal of the Council.

HURON, DAKOTA, March 6, 1887.

JOHN CAIN, care of Council:

Tremendous mass meeting to-night at Grand opera house unanimously passed a resolution thanking the legislature for the passage of the local option bill and urging the passage of the bill pending, prohibiting all games in places where liquor is sold.

ASHES F. PAY,
Chairman of Meeting.

The motion prevailed.

Council Bill No. 7,

A bill for an act to create the office of public examiner, defining the duties and dividing the Territory into two examiner districts,

Was read a third time.

Mr. Allin moved

That the recommendations of the report of the Committee on Revenue be adopted.

The motion prevailed.

Mr. Matthews moved

That the words "three thousand five hundred" be stricken from section 9 and the words "two thousand five hundred" be inserted in lieu thereof.

Mr. Hughes moved

That the motion to amend be amended by striking therefrom the words "two thousand five hundred" and inserting in lieu thereof the words "three thousand."

The motion was lost and

The original motion then prevailed.

Mr. Grigsby moved

That the words "fifteen hundred" be stricken from the same section and that "seven hundred and fifty" be inserted in lieu thereof.

The motion prevailed.

Mr. Matthews moved

That the words "of which one thousand dollars shall be paid for clerk hire, and the remainder or as much thereof as may be necessary" be stricken from section 9.

The motion prevailed.

Mr. Hughes moved

That the words "fifty thousand" be stricken from line 14, section 1, and the words "twenty-five thousand" be inserted in lieu thereof,

The motion prevailed.

Mr. Hughes moved

That the provisions of the bill be so amended that each examiner shall be appointed for two years.

The motion prevailed.

Mr. Ericson moved

That the words "three year," as to term of office be stricken out and "two years" be inserted in lieu thereof.

The motion prevailed.

Mr. Washabaugh moved

That section 9 be amended by striking from line 2 the

words "twenty-five hundred" and inserting in lieu thereof the words "two thousand," and

The ayes and nays being required, and

The roll being called there were ayes, 11; nays, 9; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Ericson, Foster, Grigsby, Harstad, McCumber, Mead, Sheldon of Hand, Smith, Washabaugh.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Galloway, Hughes, Lawler, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Martin, Sheldon of Day, Wells.

So the motion prevailed and

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 3; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Foster, Galloway, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Washabaugh.

Absent and not voting:

Messrs. Bogert, Martin, Sheldon of Day, Wells.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No, 276,

A bill for an act making appropriation to pay Henry Newton and Arthur Linn for services as pages of the Council, Was read a third time, and

The question being, shall the bill pass, and

The roll being called there were ayes, 13; nays, 2; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Foster, Galloway, Harstad, McCumber, Mead, Sheldon of Hand, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Smith.

Absent and not voting:

Messrs. Bogert, Collins, Grigsby, Hughes, Lawler, Martin, Sheldon of Day, Washabaugh, Wells.

So the bill passed.

Mr. Dodge moved

That the vote by which the bill passed be reconsidered.

The motion prevailed.

Mr. Dodge moved

That further consideration of the bill be indefinitely postponed.

The motion prevailed.

Mr. Mead offered the following resolution and moved its adoption:

Resolved, That the president of the Council is authorized to appoint necessary clerks for the Committee on Engrossed and Enrolled Bills, at the request of the chairman thereof, and that their compensation shall be \$5 per day.

The resolution was adopted.

Council Bill No. 160,

A bill for an act for the creation of a board of railroad and warehouse commissioners, and for the regulation of common carriers,

Was read a third time.

Mr Foster moved

That the recommendations of the Committee on Railroads be adopted except that portion referring to appropriations.

The motion prevailed.

Mr. Hughes moved

That section 6 be amended by striking out in line fifty-two the words "when the subject in dispute shall be of the value of \$500 or more."

The motion prevailed.

Mr. Washabaugh moved

That section 17 (as renumbered) be amended by inserting the word "unjust" after the word "without," where the same occurs in lines 10 and 11 of the printed bill.

The motion prevailed.

Mr. Hughes moved

That in section 6, in lines 55, 56 and 57, the words "but

such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon" be stricken out, the reference by lines being to the printed bill.

Mr. Collins moved a call of the house,

Which was seconded, and

The roll being called,

The members all responded to their names except Messrs. Bogert, Donovan, Galloway and Sheldon of Day.

The chair stated the absentees had been excused.

Mr. Hughes moved

That the order by which the absentees were excused be recinded.

The motion prevailed.

Mr. Washabaugh moved

That further proceedings under the call be dispensed with.

The motion prevailed.

The question being on the motion to amend by Mr. Hughes.

The motion prevailed.

Mr. Grigsby moved

That the words from "matter" in line 12 to "petition" in line 22 of section 6 be stricken out.

The motion prevailed.

Mr. Washabaugh moved

That the bill be amended by striking out sections 20, 21 and 23 as renumbered, or 21, 22 and 24 as they appear in the printed bill.

Mr. Collins moved

That further consideration of the bill be postponed until 7:30 o'clock to-day.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith a Joint Resolution recalling

House Bill No. 241,

From the Governor for correction and to respectively request your immediate consideration thereof.

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That the rules be suspended and that he be allowed to introduce a bill.

Leave was granted.

Mr. Hughes introduced—
Council Bill No. 314.

A bill for an act to provide for the changing of names of platted townsites where from any cause it shall appear that two towns have been given the same name,

Which was read the first time.

Mr. Hughes moved

That the rules be suspended and that the bill be read the second time and referred to the appropriate committee.

The motion prevailed, and

The bill was read the second time and referred to the Committee on Judiciary.

Mr. Mead moved

That a committee of three be appointed to confer with a House committee on House Bill No. 300.

The motion prevailed and

The president appointed as such committee Messrs. Smith, Sheldon of Hand, and Harstad.

Mr. Allin moved

That the Committee on Revenue be instructed to report to the Council, House Bills Nos. 192 and 305.

The motion prevailed.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Report the same back with a majority report that it do not pass, and a minority report that it do pass.

H. GALLOWAY,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
House Bill No. 305,

A bill for an act regulating the salaries of Registers of
Deeds and County Treasurers,

Report the same back with a majority recommendation
that that the bill do pass, and a minority that it do not
pass.

H. GALLOWAY,
Chairman.

House Bill No. 189,

A bill for an act amending chapter 140 of the Session
Laws of 1885,

Was the special order for this hour.

Mr. Eoster moved

That the bill be amended by striking out all of said bill
after the enacting clause and inserting in lieu thereof the
following:

SECTION 1. THREE TERMS ANNUALLY.] That chapter 10
of the Political Code be amended so as to read as follows:
TERMS OF SUPREME COURT, THREE TERMS ANNUALLY.] There
shall be held three terms annually of the supreme court as
follows: One term at Redfield, commencing on the first
Tuesday of February, one term at Bismarck commencing
on the second Tuesday of May and one term at Deadwood
commencing on the first Tuesday of October.

SEC. 2. This act shall take effect and be in force from
and after its passage and approval.

Mr. Ericson moved

That the amendment be amended by striking out the
word "Redfield" and inserting the word "Sioux Falls," and

The ayes and nays being required and

The roll being called there were ayes, 4; nays, 18;
not voting 2.

Those who voted in the affirmative were:

Messrs. Bogert, Ericson, Smith, Weiser.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Dodge, Foster, Galloway,
Grigsby, Harstad, Hughes, Lawler, Martin, McCumber,
Mead, Sheldon of Day, Sheldon of Hand, Washabaugh,
Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Donovan.

So the motion was lost.

The original motion then prevailed.

Mr. Hughes moved

To insert as section 2:

Section 2, chapter 10 of the Political Code is hereby repealed.

The motion prevailed.

Mr. Hughes moved

That the words

“That chapter 10 of the Political Code” be stricken out of section 1, and the words “chapter 140 of the General Laws of 1885” be inserted in lieu thereof.

The motion prevailed.

Mr. Smith moved

That the word “Redfield” be stricken from the bill and the word “Huron” inserted.

Mr. Foster moved

That the motion lie on the table.

The motion prevailed.

Mr. Hughes moved

The previous question

Which was ordered, and

The question being shall the bill pass and

The roll being called there were ayes, 16: nays, 4: not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Harstad, Smith.

Absent and not voting:

Messrs. Collins, Donovan, Mead, Sheldon of Day.

So the bill passed, and,

The question being as to its title,

Mr. Hughes moved

That its title be amended by adding thereto the words “and repealing chapter 10 of the Political Code.”

Mr. Grigsby moved

That the rules be suspended and that House Bill No. 338

be taken up and read three several times and put on its
sage.

The motion prevailed, and
House Bill No. 338,

A joint resolution recalling House Bill No. 241 from the
Governor for amendment,

Was read three several times and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, none;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Ericson, Foster,
Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mc-
Cumber, Mead, Sheldon of Hand, Smith, Washabaugh,
Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Donovan, Sheldon of Day.

So the bill passed, and

The question being as to its title and being put

Its title was adopted

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House
has passed the resolution herewith transmitted praying the
Council to pass House Bill No. 147.

The resolution and petitions belonging thereto are also
transmitted.

Respectfully
W. G. EAKINS,
Chief Clerk.

The following message was received from His Ex-
cellency the Governor:

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE. }
March 7, 1887. }

To the President of the Council:

In consultation with Mr. Raymond, territorial treasurer,

I am advised that bonds running in the name of the Territory will command a premium of from $\frac{1}{2}$ to 1 per cent. over and above bonds running in the name of specific institutions; and I would respectfully suggest that a general law be passed empowering the issuance of bonds in every instance, in the name of the Territory, specifying only the institutions for which they are issued.

The treasurer would be pleased to meet the chairman of the Appropriation Committees of both houses for the purpose of consulting them in the matter, should the Council and House deem it advisable.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

Mr. Dodge moved
 That the Council adjourn.

The motion was lost.

Mr. Ericson moved
 That the Council take a recess until 7:30 o'clock.

Mr. Hughes moved
 To amend by making the hour 8 o'clock.

The motion prevailed.

The motion, as amended, then prevailed.

8:00 P. M.

Council Bill No. 131,

A bill for an act amending chapter 140 of the Session Laws of 1885, fixing terms of the supreme court,

Was read a third time.

Mr. Foster moved

That the bill be amended as follows:

In section 1, by striking out the word "two" in line one and inserting the word "three" in lieu thereof.

Striking out the word "two" in line three and insert in lieu thereof the word "three."

Striking out all after the words "as follows" in line four, and inserting in lieu thereof the words;

"One term at Redfield, commencing on the first Tuesday of February; one term at Bismarck, commencing on the Second Tuesday of May, and one term at Deadwood, commencing on the first Tuesday of October of each year."

By striking out section 2 and inserting as follows:

SEC. 2. That chapter 10 of the Political Code is hereby repealed.

The ayes and nays being required on the question and
The roll being called there were ayes, 14; nays, 1;
not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Foster, Galloway, Hughes, Law-
ler, McCumber, Mead, Sheldon of Day, Sheldon of Hand,
Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Smith.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Dodge, Donovan, Ericson,
Grigsby, Harstad, Martin.

So the bill passed and

The question being as to its title,

Mr. Hughes moved

That it be amended by inserting after "1885" the words
"and to repeal chapter 10 of the Political Code."

The motion prevailed, and

The title as amended was agreed to.

Mr. Campbell moved

That the Committee on Revenue be instructed to report
Council Bill No. 99.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith the following
Council Bills which have passed without change, to-wit:

Council Bill No. 229,

A bill for an act to provide funds and appropriate the
same for the purpose of building a shop and barn and pur-
chasing land for the School of Deaf Mutes, and for other
purposes,

Also,

Council Bill No. 224,

A bill for an act to provide funds for the construction
and furnishing of a Metallurgical laboratory for the School
of Mines, at Rapid City, and for other purposes.

Also,

Council Bill No. 125,

A bill for an act providing for certain legal printing and fixing the compensation therefor,

Which the House amended as follows, to-wit:

Strike out the words "section 1" where they occur in first line of section 1.

Also to insert the words "section 1" after the word "Dakota" in line two of section 1, written bill,

And as thus amended passed the House, and

Your concurrence in said amendments is respectfully asked.

Very respectfully,

W. G. EAKINS,

Chief Clerk.

The Committee on Revenue reported

Council Bill No. 99,

Without recommendation.

FIRST READING OF COUNCIL BILLS.

By unanimous consent the following action was had:

Council Bill No. 315,

Introduced by Mr. Ericson—

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Was read the first time.

Council Bill No. 316,

Introduced by Mr. Hughes—

A bill for an act making an appropriation for traveling and other expenses of the board of railroad commissioners for the two years ending April 1, 1889,

Was read the first time.

Consideration of

Council Bill No. 168

Was resumed and

The question being on the motion of Mr. Washabaugh to strike out

Mr. Hughes moved

To amend section 20 by inserting after the word "to" in line 6 the words "recommend a."

Add after the word "change" in said line the word "of."

Strike out the word "adopt" and insert in lieu thereof the words "the adoption."

Strike out all of section 21 after the word "therefor" in line 11 of said section.

Mr. Bogert moved

That further consideration of the bill be postponed until to-morrow at 2 p. m.

The motion prevailed.

Mr. Grigsby moved that the bill be referred to a special committee to report at that hour.

The motion prevailed and the president appointed as such committee Messrs. Smith, Washabaugh and McCumber.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
March 7, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the
General Laws of 1883,

And your favorable consideration thereof is requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
port

Council Bill No. 137,

Properly engrossed.

C. D. MEAD,
Chairman.

SPECIAL ORDERS.

The time for the consideration of the special order for
this hour having come.

Council Bill No. 113,

A bill for an act entitled "An act to submit to the legal
voters of the Territory of Dakota the question of the divi-
sion of the Territory"

Was taken up.

Mr. Cain moved

That the bill be amended by striking out 1888 and inserting 1887.

The motion prevailed and

The question being shall the bill pass and

The roll being called there were ayes. 12; nays. 7; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Ericson, Foster, Grigsby, Martin, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Donovan, Galloway, Hughes, Lawler, McCumber, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Campbell, Harstad, Mead, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 303.

A bill for an act making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years,

Was read the third time.

Mr. Grigsby moved

That the recommendations of the Committee on Appropriations be adopted.

The motion prevailed.

Mr. Grigsby moved

That the words "pay of" be inserted after the word "for," in line 9.

The motion prevailed.

Mr. Grigsby moved

That the word "water" in line 15 be stricken out, and the word "waterworks" inserted.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 2; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Ericson, Foster, Galloway,

Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Smith, Wells.

Those who voted in the negative were:

Messrs. Donovan, McCumber.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Dodge, Harstad, Sheldon of Day, Washabaugh, Weiser, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 296,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the third time.

Mr. Hughes moved

That the report of the Committee on Appropriations thereon be amended by adding:

“And the following be inserted as the second section:

“SEC. 2. All moneys shall be expended and all purchases be made by or under the direction of the board of directors, and the salary of all employes shall be fixed by them, except as otherwise provided in this act; provided, however, that the salaries of said employes shall not exceed the amount herein appropriated; and

“That section 2 of the bill be changed to section 3.”

The motion prevailed.

Mr. Hughes moved

That the report as amended be adopted.

The motion prevailed.

The question then being shall the bill pass and

The roll being called there were ayes, 15; nays, 3; not voting, 6:

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, McCumber, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Cain, Dodge, Harstad, Smith, Weiser.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1887. }

MR. PRESIDENT.

I have the honor to transmit herewith
House Bill No. 239,
Recalled from the Governor for correction,
Which the House has amended—the amendments being
attached to the bill, and your favorable consideration there-
of is requested.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

The amendments referred to are as follows:
Amendments to House Bill No. 239:

1. Amend section 1, line 8, of the printed bill, by striking out the word "seventeenth" and insert in lieu thereof the word "twelfth;" same section, line 9, by striking out the word "May" and insert in lieu thereof the word "July."

Same section, by adding the following at the end of said section:

Provided, that such election shall not be held in any county unless there shall be presented to the judge of the district court, in the district in which such county is situated, or in his absence from such district or his inability to act, to the chief justice of said Territory, a petition signed by at least one-third in number of the electors of said county, as shown by the vote cast at the last general election, praying said judge to issue an order directing the holding of said election as provided in this act.

If said judge shall find that said petition is signed by one-third of the electors of said county, as above provided, he shall issue an order directing said election to be held in accordance with the provisions of this act.

2. Amend section 2, by inserting the following after the word "counties" in line 2:

"Upon being duly served with a copy of the order made by the judge, as provided in section 1 of this act."

Mr. Campbell moved

That the Council concur in the action of the House in thus amending House Bill No. 239, and

The roll being called there were ayes, 15; nays 1; not voting 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Foster, Harstad, Martin, Weiser.

So the amendments were concurred in.

Council Bill No. 295.

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read the third time.

Mr. Hughes moved

That that part of the report of the Committee on Appropriations recommending a substitute for section 2 be stricken out.

The motion prevailed.

Mr. Hughes moved

That the report as amended be adopted.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 2; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, McCumber.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Harstad, Smith, Weiser.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes,

Was read the third time.

Mr. Galloway moved

That the recommendations of the Committee on Appropriations be adopted.

The motion prevailed.

Mr. Matthews moved

That the words "twenty-seven thousand dollars" in section 1 be stricken out and "twenty-four thousand dollars" be inserted in lieu thereof.

The motion prevailed.

The question then being shall the bill pass and

The roll being called there were ayes, 19; nays, none: not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washbaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Donovan, Harstad, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 227,

A bill for an act to appropriate funds for the payment of a claim against the Territory of Dakota, for the printing of bills, joint resolutions and memorials for the Legislative Assembly of 1872-3, under authority of a joint resolution entitled "a joint resolution providing for, and the election of, a public printer for the Legislative Assembly and the Territory of Dakota.

Was read the third time.

Mr. Grigsby moved

That the substitute bill reported by the Committee on Appropriations be adopted.

The motion prevailed, and

The substitute bill was read at length, and

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Donovan, Foster, Wells.

Absent and not voting:

Messrs. Bogert, Collins, Ericson, Harstad, Weiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 294,

A bill for an act for the maintenance of the public offices of the Territory,

Was read the third time.

Mr. Hughes moved

That the bill be amended by inserting after the word "maintain" therein the words "and for necessary repairs upon the capitol building."

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes, 20; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Harstad, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 15,

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution, and providing for the government and maintenance of the same,

Was read the third time, and

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Foster, Galloway,

Grigsby, Hughes, Martin, McCumber, Sheldon of Day, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Ericson, Mead, Sheldon of Hand.

Absent and not voting:

Messrs. Bogert, Collins, Harstad, Lawler, Weiser.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

Mr. Cain moved

That Council Bill No. 99 be made a special order for 3 o'clock to-morrow.

The motion prevailed.

Council Bill No. 241,

A bill for an act to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as undergraduates applying for licenses to practice medicine in the Territory of Dakota,

Was read the third time.

Mr. Foster moved

That the substitute reported by the Committee on Public Health be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 9: nays, 7: not voting, 8.

Those who voted in the affirmative were:

Messrs. Cain, Donovan, Ericson, Foster, Grigsby, Hughes, Martin, McCumber, Smith.

Those who voted in the negative were:

Messrs. Allin, Dodge, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Galloway, Harstad, Lawler, Mead, Weiser.

So the bill passed and

The question being as to its title and

Being put, its title was agreed to.

Mr. Hughes moved

That the Council adjourn.

The motion prevailed and

The president announced that the Council stood

Adjourned.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-SEVENTH DAY.

BISMARCK, March 8, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After Prayer by the chaplain,

The roll was called and the members all responded to their names.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the citizens of Hughes, Sully and Potter counties, do on the account of failure of crops and of drouth and by having our crops destroyed by fire do appeal to the Honorable Members of the Legislature of Dakota, now in Session at Bismarck, who are representing the interest of the Territory of Dakota and especially the citizens of Dakota to pass a bill to appropriate an amount of money to be placed in the hands of responsible persons or corporation or as the legislature deem best to be expended for seed wheat for the farmers of Hughes, Sully and Potter counties who are not able to buy seed wheat, this said wheat to be returned in the fall of this same year 1887. bushel for bushel or value for value in wheat.

Hoping that you as Honorable Members of the Legislature of the Territory of Dakota representing the interests of us citizens of Dakota, will consider our present financial circumstances and give our petition your kind attention.

We are most affectionately yours,
J. G. MILLS, et al.

To the Honorable M. L. McCormack, Secretary of Dakota Territory:

DEAR SIR: We, the undersigned petitioners of Walsh county and Territory of Dakota, who live in the township of Latona, do hereby ask of you to favor us with your influence before the Legislature, in our behalf. We are completely haled out this last summer and have no way of obtaining seed for our land this year, unless something can be done for us. Most of the farmers in this vicinity are very poor and have newly settled in this part. We do not know if we have any right to ask of you this favor or not; but if it be possible to help us, please do so, and you will confer a great favor upon us.

Your humble petitioners,

WILLIAM SPARROW et al. •

REPORTS OF STANDING COMMITTEES.

The following reports of committees were presented.

MR. PRESIDENT:

Your Committee on Education having considered Council Bill No. 285,

Would recommend that it pass with the following amendments, viz.:

Insert the word "cities" after "incorporated" and the words "and villages" after the word "towns" wherever occurring in said bill.

After the word "secretary" in section 2 strike out "who may or may not be a member of the board."

E. C. ERICSON,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations herewith report Council Bills Nos. 254 and 255,

Without recommendation,

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

A majority of your special committee to whom was referred

Council Bill No. 168,

Beg leave to return the same to the Council without recommendation, to the end that said bill and all amendments thereto may be considered fully in open session.

E. G. SMITH,
P. J. McCUMBER.

MR. PRESIDENT:

The undersigned being a minority of your special committee to which was referred

Sections 3, 21, 22, and 24 of Council Bill No. 168.

For the purpose of considering said sections, beg leave to report and recommend that said sections be stricken out of said bill.

FRANK J. WASHABAUGH.

MR. PRESIDENT:

Your Committee on Counties having duly considered House Bill No. 35,

Being the "gopher tails act," would respectfully recommend that the same be amended by striking out section 1 and substituting the following:

SECTION 1. The county commissioners of each county in this Territory, may in their discretion, offer a bounty not to exceed three cents for grey or striped gopher and not to exceed five cents for each pocket gopher killed within the limits of their county.

Amend section 2 by striking out the words "gopher fund," in last line, and insert "county general fund."

Strike out section 6 and substitute the following:

SEC. 6. The warrants so drawn shall be paid by the county treasurer out of the county general fund, provided that no warrant shall be drawn or bounty paid for less than fifty gophers at one time to the same applicant.

And that said bill as so amended do pass.

S. P. WELLS,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 282,

A bill for an act for the regulation and fixing licenses of retail liquor dealers and pool and billiard halls in incorporated cities in the Territory of Dakota.

Report that they have had the same under consideration and recommend that the bill do not pass, a minority of the committee dissenting from this report.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing the amount of license for the sale of intoxicating liquors.

Report that they have had the same under consideration and recommend that the bill do pass, a minority of the committee dissenting from this report.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to which was referred House Bills Nos. 289 and 254 and Council Bills Nos. 48, 59, 191, 228, 260, 279, 280, 292, 305 and 314,

Report the same herewith without recommendation.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Charitable and Penal Institutions to whom was referred

Council Bill No. 144,

Respectfully recommend its passage.

E. G. SMITH,
Chairman.

MR. PRESIDENT:

Your Committee on Federal Relations, to whom Council Bill No. 262 and House Bill No. 164

Were referred, wish to report back the same with the recommendation that the bills do pass.

The committee wish to report back

Council Bill No. 204,

With the recommendation that the bill do not pass.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 137,

Respectfully report that they have had the same under advisement and submit the following amendments:

Amend section 1, line twenty-one, after the word "qualifications" insert "a fee of ten dollars and for re-examination a fee of five dollars."

Also strike out the word "or" and insert in lieu thereof "for."

In line twenty-two after the word "of" strike out the word "ten" and insert the word "two."

Section 1, page 2 strike out all of lines four to thirteen inclusive.

Section 1, page 3, in line one strike out all after the word "board."

And after the same are adopted recommend that the bill do pass.

P. C. DONOVAN,
Chairman.

MR. PRESIDENT;

Your Committee on Military Affairs having had under advisement

Council Bill No. 311,

A bill for an act entitled an act for ordering an encampment of the territorial militia,

And

Council Bill No. 317.

A bill for an act entitled "an act to appropriate funds to pay the deficit due the territorial militia for armory rent, uniforms, stationery, and for other purposes.

And beg leave to report the same back with recommendation that they do pass.

E. W. FOSTER,
Chairman.

Mr. Cain moved

That the Council concur in the amendments of the House of Representatives to Council Bill No. 125.

The motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 317,

Introduced by Mr. Mathews—

A bill for an act entitled "an act to appropriate funds to pay the deficit due to the territorial militia for armory rent, uniforms and stationery and for other purposes,

Was read a first time.

Council Bill No. 318,

Introduced by Mr. Campbell—

A bill for an act providing for the payment of newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota.

Was read a first time.

Mr. Cain moved

That Council Bill No. 317 be read a second time and referred to committee.

The motion prevailed.

Council Bill No. 283,

A bill for an act to amend section 407 of the Civil Code, relating to corporations,

Was read the second time and

Referred to the Committee on Incorporations.

Council Bill No. 299,

A bill for an act to amend section 61 of chapter 28 of Political Code, relating to publishing notices of sale for delinquent taxes,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 300,

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 302,

A bill for an act to provide clerical assistance in the office of the territorial board of education,

Was read the second time and

Referred to Committee on Education.

Council Bill No. 306,

A bill for an act to amend section 16 of chapter 69 of the laws passed by the 16th Legislative Assembly, relating to insurance corporations,

Was read a second time, and

Referred to the Committee on Insurance.

Council Bill No. 308,

A bill for an act creating liens on grain for threshing bills.

Was read a second time, and

Referred to the Committee on Judiciary.

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the Political Code relating to jurors,

Was read a second time, and

Referred to the Committee on Judiciary.

Council Bill No. 311,

A bill for an act entitled an act for ordering an encampment of the territorial militia,

Was read a second time, and
Referred to the Committee on Military Affairs.

Council Bill No. 316,

A bill for an act making an appropriation for traveling and other expenses of the board of railroad commissioners for the two years ending April 1, 1889.

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 307,

A bill for an act to provide for struck juries.

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 317,

A bill for an act entitled "an act to appropriate funds to pay the deficit due to the territorial militia for armory rent, uniform and stationery, and for other purposes."

Was read the second time and
Referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith the following House bills, and request your concurrence therewith.

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others,

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

House Bill No. 199,

A bill for an act to regulate attorneys' fees in case of foreclosure of chattel mortgages by advertisement,

House Bill No. 328,

A bill for an act to provide funds for furniture, for improving the grounds, for painting and pointing the main building and providing for the deficiency incurred in the years 1883 and 1884 of the University of North Dakota, at Grand Forks.

House Bill No. 327,

A Bill for an act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota, at Vermillion, and for other purposes.

House Bill No. 219,

A bill for an act to amend section 11, chapter 23 of the Political Code,

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

House Bill No. 67,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies,

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the General Laws of 1885.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 2, and sections 721 to 733, inclusive of chapter 35 of the Code of Civil Procedure.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury.

And

House Bill No. 116,

A bill for an act to amend section 7, of chapter 63, of the General Laws of 1885.

Respectfully
W. G. EAKINS,
Chief Clerk.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 99,

A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory or Dakota.

Was read a third time.

Mr. Campbell moved

That the bill be amended by inserting the following as section 5:

The city councils of all such cities shall have authority to regulate and fix the compensation and salaries of city treasurers within their respective cities, whether such cities have heretofore had such power under their charters or not, and such salaries shall in no case exceed \$600.

The motion prevailed.

The question then being shall the bill pass and

The roll being called, there were ayes, 15; nays, 5; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Foster, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser.

Those who voted in the negative were:

Messrs. Ericson, Galloway, Washabaugh, Wells. Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Grigsby, Lawler.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your committee on Counties having duly considered Council Cill No. 315,

Would recommend that it do pass.

S. P. WELLS,
Chairman.

Council Bill No. 207,

A bill for an act to amend section 378 of chapter 15 of the Code of Civil Procedure entitled "of the costs and disbursements in civil actions."

Was read the third time.

Mr. Grigsby moved

That the bill be amended as recommended in the report of the Committee on Judiciary.

The motion prevailed.

The question being shall the bill pass, and being put
The roll being called there were ayes. 18; nays, 2;
not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Gallo-
way, Grigsby, Harstad, Hughes, Lawler, Martin, McCum-
ber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh,
Weiser, Wells.

Those who voted in the negative were:

Mr. Dodge, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Foster, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your committee having had

House Bill No. 150

Under consideration, would respectfully report and rec-
ommend that said bill do pass, with the amendments
made thereto by the House of Representatives.

A. W. CAMPBELL,
Chairman.

Council Bill No. 37,

A bill for an act to amend section 615 of chapter 28 of the
Code of Civil Procedure, in relation to costs in foreclosure
of mortgages by advertisement,

Was read a third time.

Mr. Mead moved

That the bill be amended as recommended by the Com-
mittee on Judiciary.

The motion prevailed.

Mr. Grigsby moved

That all after the word "Dakota." in section 1, be
stricken out.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser Mr. President.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting:

Messrs. Collins, Lawler, Wells.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Report the same back with recommendation that it do pass.

H. GALLOWAY,
Chairman.

Council Bill No. 181,

A bill for an act to amend paragraph 1, of section 229, of the Code of Civil Procedure,

Was read a third time.

Mr. Hughes moved

That the recommendations of the Committee on Judiciary be adopted.

The motion was lost.

Mr. Ericson moved

That the bill be recommitted to the Committee on Judiciary.

The motion prevailed.

Council Bill No. 160,

A bill for an act providing the mode of appeals to the supreme court of the Territory of Dakota,

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, none; not voting, 4.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Grigsby, Lawler, Martin.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Revenue report

Council Bill No. 281,

With recommendation it do pass.

H. GALLOWAY.

Chairman.

Council Bill No. 169,

A bill for an act to provide for the registration of voters,

Was read a third time.

Mr. Dodge moved

That its further consideration be indefinitely postponed,
and

The ayes and nays being required, and

The roll being called, there were ayes, 5; nays, 16;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Dodge, Ericson, Lawler, Mead, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Galloway, Grigsby, Harstad, Hughes, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Foster, Martin.

So the motion was lost.

Mr. Ericson moved

That the bill be amended by striking out all of section 2 after the word "name" in line eighteen.

The motion prevailed.

Mr. Matthews moved

That section one be amended

By striking out the word "three," in line two, printed bill, and inserting in lieu thereof the word "four."

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out the words "either orally or" and inserting in lieu thereof the words "under oath," in line fourteen, section 2.

The motion prevailed.

Mr. Smith moved

That section 2 be amended by striking out all of line 3, in the printed bill, after the word of "election," and all of line four to the word "shall."

The motion was lost.

The question being shall the bill pass, and

The roll being called there were ayes, 8; nays, 6; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Harstad, McCumber, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Dodge, Ericson, Galloway, Lawler, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Donovan, Foster, Grigsby, Hughes, Martin, Mead, Smith, Weiser, Wells.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Campbell moved

That the rules be suspended and that all House bills now on the clerk's desk be read the first and second times and referred to appropriate committees.

The motion prevailed.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the General Laws of 1885,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury,

Was read the first and second time and

Referred to the Committee on Banks and Banking.

House Bill No. 67,

A bill for an act to provide for an equal distribution of cars among shippers by railroad companies,

Was read the first and second time and

Referred to the Committee on Railroads.

House Bill No. 116,

A bill for an act to amend section 7 of chapter 63 of the General Laws of 1885,

Was read the first and second time, and

Referred to the Committee on Judiciary.

House Bill No. 125.

A bill for an act to prevent trespass by hunters and others,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11 and sections 721 to 733 inclusive of chapter 35 of the Code of Civil Procedure of the Territory,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 159,

A bill for an act creating the counties of Pierce and Church and defining the boundaries of the counties of "Bottineau," "Roulette," "McHenry," and "Sheridan," and for other purposes.

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Agriculture.

House Bill No. 199,

A bill for an act to regulate attorneys' fees in cases of foreclosure of chattel mortgages by advertisement,

Was read a first and second time and

Referred to the Committee on Judiciary.

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,"

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 219,

A bill for an act to amend section 11 of chapter 23, Political Code,

Was read a first and second time and

Referred to the Committee on Judiciary.

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

Was read the first and second time and

Referred to the Committee on Education.

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Was read the first and second times and

Referred to the Committee on Judiciary.

House Bill No. 322.

A Joint Resolution requesting the secretary of the interior to direct that certain lands be surveyed,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 327,

A bill for an act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota, at Vermillion, and for other purposes,

Was read the first and second time and

Referred to the Committee on Appropriations.

House Bill No. 328,

A bill for an act to provide funds for improving the grounds, for painting and pointing the main building and providing for the deficiency incurred in the years 1883 and 1884 of the University of North Dakota at Grand Forks, Dakota,

Was read the first and second time and

Referred to the Committee on Appropriations.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report

Council Bill Nos. 74, 50, 209, 257 and 163,
Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred,
Council Bill No. 209,
Have considered the same and report it back with recommendation that it do pass.

H. GALLOWAY,
Chairman.

The time for the consideration of the special order for this hour having arrived,

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and territorial board of health,

Was read a third time.

Mr. Ericson moved

That the words "twenty-four hundred" in section 1 be stricken out and "twelve hundred" inserted in lieu thereof.

The motion prevailed.

Mr. Hughes moved

That the words "twelve hundred" be stricken out and "two thousand" be inserted.

The motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 10; nays, 5; not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Dodge, Ericson, Foster, Harstad, Hughes, Lawler, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Allin, Galloway, McCumber, Mead, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Campbell, Donovan, Grigsby, Martin, Sheldon of Hand, Smith, Weiser, Mr. President.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith:
Council Bill No. 121,
A bill for an act providing for the incorporation of cities,
Which the House has passed with the amendments thereto
attached, and your concurrence therein is requested.
W. G. EAKINS,
Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
port
Council Bills Nos. 163, 257, 209, 50 and 74
Delivered to his Excellency, Governor L. K. Church,
March 8, 1887, at 3:30 p. m.

C. D. MEAD,
Chairman.

Council Bill No. 141,
A bill for an act for the relief of Frederick P. Benjamin,
and to appropriate the sum of six hundred dollars there-
for,

Was read the third time.

Mr. Campbell moved

That the recommendations of the Committee on Approp-
riations be adopted.

The motion prevailed.

Mr. Dodge moved

That the words "four hundred" be stricken out wherever
they occur in bill and title and "two hundred" be inserted
in lieu thereof.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 10; nays, 4; not voting, 10.

Those who voted in the affirmative were:

Messrs. Cain, Dodge, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Galloway, McCumber, Mead, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Collins, Donovan, Martin, Sheldon of Day, Sheldon of Hand, Smith, Weiser.

So the bill passed and

The question being as to its title and being put,
Its title as amended, was agreed to.

Mr. Mead moved

That the Council concur in the House amendments to Council Bill No. 121, and

The ayes and nays being required, and

The roll being called there were ayes, 10; nays, 3; not voting, 11.

Those who voted in the affirmative were:

Messrs. Cain, Dodge, Foster, Galloway, Hughes, McCumber, Mead, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Grigsby, Harstad.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Collins, Donovan, Lawler, Martin, Sheldon of Day, Sheldon, of Hand, Smith, Weiser.

So the bill as amended was passed, and

The question being as to its title and being put
Its title was agreed to.

Council Bill No. 254,

A bill for an act for the relief of Isaac Montague,

Was read the third time.

Mr. Ericson moved

That the words "one hundred and twenty-five" be stricken from the bill and "fifty" be inserted in lieu thereof.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 11; nays, 6; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Dodge, Donovan, Ericson, Grigsby, Harstad, Sheldon of Hand, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Galloway, Hughes, McCumber, Mead, Sheldon of Day, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Foster, Lawler, Martin, Weiser.

So the bill passed and

The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 255,

A bill for an act for the relief of Victor Montague.
Was read the third time.

Mr. Ericson moved

That the words "five hundred" therein be stricken out
and "two hundred" be inserted in lieu thereof.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 12; nays, 6;
not voting, 6.

Those who voted in the affirmative were:

Messrs. Cain, Dodge, Ericson, Foster, Grigsby, Harstad,
Hughes, Lawler, Sheldon of Hand, Smith, Washabaugh,
Wells.

Those who voted in the negative were:

Messrs. Campbell, Collins, Galloway, McCumber, Sheldon
of Day, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Donovan, Martin, Mead, Weiser.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit the following

House Bills which have passed the House and request your concurrence in the same:

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal School building at Madison, Dakota, and for other purposes.

Also,

House Bill No. 273,

A memorial to Congress praying for the construction of a dam for the improvement of navigation on Red River,

Also,

Council Bill No. 219,

A bill for an act to amend chapter 81 of the General Laws of 1885 which has passed the House, with the following amendments to wit:

Section six (6) shall read as follows:

SEC. 6. The fifth (5) subdivision shall consist of the county of Barnes. The district court in and for this subdivision shall be held at the city of Valley City in the county of Barnes on the last Tuesday of June of each year.

Section 9 shall read as follows;

SEC. 9. The eighth subdivision shall consist of the counties of Griggs and Steele.

The district court in and for this subdivision shall be held at the county seat of Griggs county on the second Tuesday in June of each year."

Section 7 shall be amended by striking out the word "Eddy;" and your concurrence in the same is respectfully asked.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

SPECIAL ORDERS.

Council Bill No. 168.

A special order for this time, being

- A bill for an act for the creation of a board of railroad and warehouse commissioners and for the regulation of common carriers.

Was read a third time and placed upon its final passage.

Mr. Washabaugh moved

That the report of the minority of the committee be adopted and

The ayes and nays being required,
The roll being called there were, ayes, 12; nays, 9; not
voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Dodge, Donovan, Grigsby,
Hughes, Lawler, Martin, Sheldon of Day, Washabaugh,
Wells.

Those who voted in the negative were:

Messrs. Campbell, Foster, Galloway, Harstad, McCumber,
Mead, Sheldon of Hand, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Ericson, Smith.

So the motion prevailed.

Mr. Hughes moved

That that part of the report of the Committee on Rail-
roads referring to appropriations be adopted.

The motion prevailed.

Mr. Collins moved

The previous question,
Which was ordered.

The question being shall the bill pass, and

The roll being called there were, ayes, 12; nays, 12.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Dodge, Harstad, Hughes, Lawler,
Martin, Mead, Sheldon of Day, Smith, Washabaugh,
Wells.

Those who voted in the negative were:

Messrs. Allin, Bogert, Campbell, Donovan, Ericson, Fos-
ter, Galloway, Grigsby, McCumber, Sheldon of Hand,
Weiser, Mr. President.

So the bill was lost.

Council Bill No. 264,

A bill for an act providing for township organization,

Was read a third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 1;
not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Donovan, Ericson, Foster, Galloway,
Grigsby, Harstad, Hughes, Lawler, Martin, McCumber,
Mead, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Dodge, Sheldon of Day, Smith, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 203,

A bill for an act to amend section 7 of chapter 21 of the Political Code.

Was read a third time.

Mr. Hughes moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Mr. Ericson moved

That the vote by which

Council Bill No. 168

Was lost, be reconsidered,

The motion prevailed.

Mr. Allin moved

That section 24 be stricken out.

The motion was lost.

Mr. Hughes moved

That the following be added to section 29:

“That the sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated annually to pay the actual and necessary expenses of the commissioners. Said commissioners shall present to the territorial auditor an itemized account for such expenses, and the auditor shall audit the same and draw his warrant on the treasurer for the amount allowed by him.”

The motion prevailed.

Mr. Hughes moved

That the vote by which that portion of the report of the committee on Railroads relating to appropriations was adopted be reconsidered.

The motion prevailed.

Mr. Hughes moved

That there be stricken from that report the words

“They shall also be paid in addition to the salaries here-

tofore mentioned their actual traveling expenses while in the discharge of their duties."

The motion prevailed

Mr. Hughes moved

That that part of the report of the Committee on Railroads, relating to appropriations, as amended be adopted.

The motion prevailed and

The question being shall the bill pass, and

The roll being called there were ayes, 21; nays, none; not voting, 3:

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, McCumber.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Bogert offered the following resolution and moved its adoption:

Be it Resolved by the Council, the House concurring, That

Council Bill No. 163

Be and the same is hereby recalled from the hands of the Governor for the purpose of making some changes in the bill.

The resolution was adopted.

Council Bill No. 197.

A bill for an act to amend section 26 of chapter 39 of the Political Code, entitled "Compensation of public officers,"

Was read the third time and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, 1; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Campbell, Collins.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith the following joint resolution, and request your concurrence:

House Bill No. 341,

A joint resolution recalling from the Governor

House Bill No. 303,

Entitled "an act requiring certain orders, judgments and decrees in probate to be recorded."

Also that the House adopted the concurrent resolution recalling

Council Bill No, 163

From the hand of the Governor, for the purpose of making some changes in the act.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Council Bill No. 183,

A bill for an act providing for appeals from county boards of equalization,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 7; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Harstad, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Galloway, Grigsby, Lawler, Smith, Washabaugh, Wells. Mr. President.

Absent and not voting:

Mr. Martin.

So the bill passed and
The question being as to its title, and being put,
Its title was agreed to.

Mr. Martin moved

That the rules be suspended and that

House Bill No. 241, which had been recalled from his
Excellency the Governor that needed changes might be
made, be considered.

The motion prevailed.

House Bill No. 241,

A bill for an act to provide funds to pay for the con-
struction, heating and furnishing of the Normal School
building at Madison, Dakota, and for other purposes,

Was read three several times and

The question being shall the bill pass and

The roll being called there were ayes, 23; nays, none;
not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,
Donovan, Ericson, Foster, Galloway, Grigsby, Harstad,
Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day,
Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. Pres-
ident.

Absent and not voting:

Mr. Smith.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Mr. Hughes moved

That the rules be suspended and that

House Bills Nos. 301, 302 and 238

Be read a third time and put on their passage.

The motion prevailed

House Bill No. 301,

A bill for an act to suppress and prevent the spread of
contagious or infectious diseases among domestic animals,

Was read the third time.

Mr. Cain moved

That the words "two thousand" be stricken from line 2, section 15, and "fifteen hundred" be inserted in lieu thereof.

The motion was lost.

Mr. Cain moved

That there be inserted in line 3, section 15, after the word "duty" the words

"The sum of such travelling expenses not to exceed one thousand dollars in any one year."

The motion prevailed.

Mr. Cain moved

That the bills be made a special order for to-morrow at 2 o'clock.

The motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I return

Council Bill No. 150,

A bill for an act entitled "an act to amend sections 2, 3, 4, 5, 8, 9 and 19 of chapter 34 of the laws of 1885, entitled 'an act to provide for the incorporation and regulation of building and loan associations.'"

Which the House has amended as follows:

Section 1 is amended as follows: Insert after the word "two" in the first line of section 1 the words "of said act be and the same hereby."

Amend section 2 by inserting after the word "three" in the first line the words "be and the same is hereby amended to read as follows."

Amend section 3 by inserting after the word "four" in the first line the words "be and the same is hereby amended to read as follows:"

Amend section 4 by inserting after the word "five," in the first line, the words "be and the same is hereby amended to read as follows:"

Amend section 5 by inserting after the word "eight," in the first line, the words "be and the same is hereby amended to read as follows:"

Amend section 6 by inserting after the word "nine," in the first line, the words "be and the same is amended to read as follows:"

And your concurrence in said amendments is respectfully requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota at Grand Forks, D. T.,

Also,
House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of North Dakota at Vermillion,

Which have passed the House and your concurrence is asked.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Foster moved

That the Council concur in House amendments to Council Bill No. 150.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 183,

A bill for an act to make appropriation for the maintenance of the Territorial Penitentiary at Sioux Falls and for necessary repairs and improvements.

Also,
House Bill No. 295.

A bill for an act to amend an act entitled "an act to amend chapter 30 of the Political Code relating to the Territorial Militia,

Which have this day passed the House, and your concurrence in the same is respectfully asked.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That the Council concur in House amendment to Council Bill No. 219.

The motion prevailed.

Council Bill No. 170,

A bill for an act to amend an act entitled "an act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district No. 1, Richland county, Dakota Territory," approved March 13, 1885,

Was read the third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washaugh, Weiser, Mr. President.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Dodge, Harstad, Lawler, Wells.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 147,

A bill for an act to amend section 31 of the Code of Civil Procedure.

Was read the third time and

The question being, shall the bill pass, and

The roll being called there were ayes, 19; nays, none; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Campbell, Dodge, Grigsby, Lawler, Wells.

So the bill passed, and

The question being as to its title and being put

Mr. Sheldon of Day, moved

That it be amended so as to read:

“A bill for an act to provide when courts are opened for all purposes.”

The motion prevailed and

The title as amended was agreed to.

Mr. Ericson reported as follows:

MR. PRESIDENT:

Your Committee on Education have considered House Bill No. 275,

And would recommend that it be amended by striking out the word “general” where it occurs in the title and in section 1 of said bill and substitute the word “special.”

That the title be further amended by adding after “1883” the words “being an act to provide for the organization and government of the University of Dakota.”

That the words “section 2” in line eleven of said bill be stricken out and sections 3 and 4 be numbered 2 and 3, respectively, and when so amended it do pass.

E. C. ERICSON,
Chairman.

Mr. Mead introduced—

Council Bill No. 319,

A joint resolution providing for the purchase of stationery,

Which was read the first time.

Mr. Mead moved

That the rules be suspended and that the bill be read the second and third times and put on its passage.

The motion prevailed and

The bill was read the second and third times and

The question being shall the bill pass and

The roll being called there were ayes, 22; nays, 0; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day. Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President

Absent and not voting:

Messrs. Lawler, Wells.

So the bill passed, and,

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That the Council take recess until 8 o'clock.

The motion was lost.

Mr. Ericson moved

That the Council adjourn until 9 o'clock to-morrow.

Which motion prevailed, and

The president announced that the Council stood

Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-EIGHTH DAY. •

BISMARCK, March 9, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

PETITIONS AND COMMUNICATIONS.

The following petition was presented and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislature of the Territory of Dakota, in Session at Bismarck:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Highland, County of Minne-

haha, do most respectfully and earnestly petition your Honorable Body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

A. H. LEMMEN, et al.

The President appointed Alfred H. Whitaker, E. Frankenstein, Norman Grey, Mattie Weller and B. Millard, as additional enrolling clerks, and announced that Daisy Miller had been appointed as such clerk yesterday and that M. B. Kent, M. P. Skeils, F. C. Corey and Mrs. Eagan had been appointed as clerks of that committee the 7th inst.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred

Council Bill No. 283,

A bill for an act to amend section 407 of the Civil Code relating to corporations,

Wish to report back the same with the recommendation that the bill do pass.

W. E. DODGE,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 322,

A joint resolution requesting the secretary of the interior to direct that certain lands be surveyed,

Report that they have had the same under consideration and recommend that the bill do pass.

P. J. McCUMBER,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations have had under consideration

Council Bill No. 298,

A bill for an act providing for civil townships to surrender and make void their organization.

Beg leave to report the same back with a substitute and hereby recommend that the same do pass.

W. E. DODGE,
Chairman.

MR. PRESIDENT:

Your committee appointed to examine the Journal report that they have examined the Journal of March 5th and find the same correct.

T. M. MARTIN,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota.

Wish to report the same with the recommendation that the bill do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Pierce and Church and for other purposes.

Report that they have had the same under consideration and recommend that the bill do pass.

S. P. WELLS,
Chairman.

Mr. Foster moved

That the rules be suspended, and that Council Bill No. 317 be read a third time and put on its final passage,
The motion prevailed.

Council Bill No. 317,

A bill for an act entitled an act to appropriate funds to pay the deficit due to the territorial militia for armory rent, uniforms and stationery, and for other purposes.

Was read third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Ericson, Foster, Hughes, Lawler, Mar-

tin, McCumber, Mead, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Galloway, Harstad, Smith, Washabaugh.

Absent and not voting:

Messrs. Campbell, Collins, Dodge, Donovan, Grigsby, Sheldon of Day.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Bogert moved

That the rules be suspended and that Council Bill No. 231 be read a third time and put on its final passage.

The motion prevailed.

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 15; nays 5; not voting, 4.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Donovan, Ericson, Foster, Harstad, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Galloway, Hughes, Martin, Mr. President.

Absent and not voting:

Messrs. Campbell, Collins, Dodge, Grigsby.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Bogert moved

That the Committee on Revenue be excused from the further consideration of Council Bill No. 115.

The motion prevailed.

Mr. McCumber offered the following resolution and moved its adoption:

Be it Resolved by the Council of the Seventeenth Session of the Legislative Assembly:

That the compensation of J. C. Cummins, Messenger of

the Council be, and the same is hereby fixed at five dollars per day, or one dollar in addition to what is now fixed by law.

Mr. Hughes moved

That the Assistant Sergeant-at-Arms be also included in the resolution.

The ayes and nays being demanded, and

The roll being called there were ayes, 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Sheldon of Day, Washabaugh.

Absent and not voting:

Messrs. Collins, Dodge, Galloway, Sheldon of Hand, Smith.

So the motion to amend prevailed.

The resolution was then adopted as amended.

THIRD READING OF COUNCIL BILLS.

Mr. Washabaugh in the chair.

Council Bill No. 59,

A bill for an act amending chapter 79 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fifth Judicial District, and the time of holding court therein,

Was read a third time.

Mr. Mathews moved

That after the word "Marshall" the words "Hamlin, Brookings, Kingsbury and Deuel" be inserted, and

Yeas and nays being required and

The roll being called, there were ayes, 9; nays, 9; not voting, 6.

Those who voted in the affirmative were:

Messrs. Ericson, Grigsby, Harstad, Hughes, Lawler, Martin, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Donovan, Foster, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Galloway, McCumber, Wells.

So the motion was lost.

Mr. Cain moved

That the bill be amended as follows:

Insert "Kingsbury" after "Beadle" in line 6 of section 1; make line 12 of section 1 read: "Roberts, the third Tuesday in August;" strike out "Faulk" from line 18, section 1, and insert "Hand;" strike out "Hand" from line 23, section 1 and insert "Faulk;". strike out "third" from line 25, section 1, and insert "second;" strike out "and the third Tuesday in August" from line 27, section 1; insert between lines 32 and 33, section 1, "Kingsbury, the fourth Tuesday in August."

The motion prevailed.

Mr. Mathews moved

That there be added after the word "Marshall" the words "Hamlin and Deuel."

The motion was lost.

Mr. Campbell moved the previous question,

Which was ordered, and

The roll being called, there were ayes, 12; nays, 4; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Foster, Galloway, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washbaugh, Weiser.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Martin, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Grigsby, Hughes, McCumber, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 191,

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth Judicial District, and the times of holding court therein,

Was read a third time.

Mr. Grigsby moved

That the bill be amended by striking out the words, "Kingsbury and Hamlin," in line 6 of section 1 and in lines 24, 25, and 28.

The motion was lost.

Mr. Ericson moved

To amend section 1, subdivision 4, by striking out "second" and insert in lieu thereof "third,"

Amend subdivision 5 to read as follows: "Turner county the first Tuesday in March and the first Tuesday in October."

The motion prevailed.

Mr. Campbell moved

That the word "Kingsbury" be stricken out in section 1 and that the lines 24 and 25 also be stricken out.

The motion prevailed.

Mr. Grigsby moved

That further consideration of the bill be postponed until 3 o'clock p. m.

The motion prevailed,

Council Bill No. 48,

A bill for an act to create a new subdivision of the fifth subdivision of the Fifth Judicial District,

Was read a third time.

Mr. Mathews moved

That its further consideration be indefinitely postponed.

The motion prevailed.

The President in the chair.

Council Bill No. 304,

A bill for an act to authorize the issuance of licenses for carrying on the business of public laundries,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 3; not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Foster, Galloway, Grigsby, Martin, Mead, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Dodge, Donovan, Hughes, Lawler, Sheldon of Day, Smith.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Foster moved

That the rules be suspended and that the House Bills now on their first reading be now read a first and second time and referred to committees.

The motion prevailed.

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota at Vermillion, and for other purposes,

Was read a first and second time and

Referred to the Committee on Appropriations.

House Bill No. 288,

An act appropriating funds for the maintenance of the University of North Dakota, at Grand Forks, D. T.

Was read a second time and

Referred to the Committee on Appropriations.

House Bill No. 273,

A memorial to Congress, praying for the construction of a dam for the improvement of navigation of the Red river,

Was read a second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 341,

A joint resolution recalling from the Governor House Bill No. 303, entitled "an act requiring certain orders, judgments and decrees in probate to be recorded,

Was read the first and second time.

Mr. Foster moved

That the rules be suspended, the bill be read a third time and put on its final passage.

The motion prevailed, and

House Bill No. 341

Was read a third time, and

The question being shall the bill pass and

The roll being called there were, ayes. 16; nays. 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Galloway, McCumber, Sheldon of Day, Smith, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 183,

A bill for an act making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, and for necessary repairs and improvements,

Was read a first and second time.

Mr. Grigsby moved

That the rules be suspended, and the bill be read a third time and put on its passage.

The motion prevailed and

House Bill No. 183 was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 16; nays, 0; not voting, 8.

Those voting in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, Sheldon of Hand, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Galloway, McCumber, Mead, Sheldon of Day, Smith, Wells.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 295,

A bill for an act to amend an act entitled an act to amend chapter 30 of the Political Code, relating to the territorial militia,

Was read a first and second times.

Mr. Foster moved

That the rules be suspended and that the bill be read a third time and put on its final passage.

The motion prevailed, and

House Bill No. 295 was read a third time.

Mr. McCumber moved the previous question
Which was lost.

Mr. Ericson moved

That the bill be amended by striking out of section 64 all after the word "tax" in line 2, and to strike out section 65.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Foster, Harstad, Hughes, Lawler, Martin, Sheldon of Hand, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Washabaugh.

Absent and not voting:

Messrs. Bogert, Galloway, Grigsby, McCumber, Mead, Sheldon of Day, Smith, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 9, 1887. }

MR. PRESIDENT:

I herewith return the following Council bills, which the House have passed without amendment:

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for Insane, near Jamestown, Dakota.

Council Bill No. 313,

A bill for an act to amend chapter 26 of Special Laws of 1883 and repealing portions of chapter 56, Laws of 1881, relating to the government and maintenance of the School for Deaf Mutes at Sioux Falls.

Council Bill No. 230.

A bill for an act making appropriations for the maintenance of the School of Deaf Mutes at Sioux Falls, Dakota.

Council Bill No. 263,

A bill for an act to amend chapter 75 of the General Laws of 1883, in regard to drainage, as amended by chapter 47 of the General Laws of 1885.

Council Bill No. 267,

A bill for an act entitled an act to amend an act entitled an act to provide for the appointment of a county clerk for Yankton County, and to define his duties.

Council Bill No. 217,

A bill for an act to amend section 1, of chapter 34 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs."

Council Bill No. 249,

A bill for an act defining the boundaries of Cavalier county, and for other purposes.

Council Bill No. 189,

A bill for an act reviving and making operative in certain counties, sections 1,098 and 1,100 of the Civil Code, entitled "Loan of money."

Council Bill No 216,

A bill for an act to amend section six, of chapter sixty-one, of the Session Laws of 1881.

Council Bill No 266,

A bill for an act to amend section 5 of chapter 52 of the General Laws of 1879, entitled "An act authorizing the appointment of shorthand reporters for the district courts of the Territory."

Council Bill No. 275,

A bill for an act entitled "an act to provide for the government of the agricultural college and experimental station for the Territory of Dakota.

Council Bill No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane, for the years 1887 and 1888,

Council Bill No. 7,

A bill for an act to create the office of public examiner, defining the duties and dividing the Territory into two examiner's districts,

Also,

The following Council Bills, which have passed with amendments, and your concurrence therein is respectfully requested:

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same,

Which has been amended as follows:

Insert in section 2, after the word "crops" the words "created subsequent to the passage and approval of this act."

Council Bill No. 218,

A bill for an act to authorize railroad companies to appoint police officers,

Which has been amended as follows:

By adding to section 2 the following: "And for the official acts of such policeman or policemen the railroad company making such appointment shall be held responsible to the same extent as for the acts of any of its general agents or employes."

Council bill No. 58,

A bill for an act to amend section 29 of of chapter 21 of the Political Code in relation to the organization of counties and the appointment, election, powers and duties of county officers,

Which has been amended as follows:

Strike out all after the enacting clause and substitute the following:

SEC. 1. To make composition and settlement of all debts, claims and demands of every name and nature which the county may have against any person or persons whomsoever, and to compound, arbitrate and agree to the same upon such terms and in such manner as they shall think proper subject to the right of appeal as provided for in other cases and provided that no warrant shall be drawn or payment be made in settlement of any such claim amounting to one hundred dollars or over until twenty days after the publication of the minutes of the proceedings of the board, which minutes shall contain a statement of the terms of such settlement; provided, however, that this act shall not be construed to apply to any claims or demands either in favor or against the county which may accrue after the passage and approval of this act.

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same, which has been amended as follows: Add to section 1 the following: "Provided, further, that the consent of the general government to span said river shall first have been obtained."

Also,

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota,

House Bill No 315,

A bill for an act regulating abstractors or others making abstracts of the title to real estate.

And your favorable consideration thereof is respectfully requested.

W. G. EAKINS,
Chief Clerk.

Mr. Hughes offered the following resolution and moved its adoption:

Resolved, That the House of Representatives be and is hereby requested to return to the Council, Council Bill No. 295 for correction.

The resolution was adopted.

Council Bill No. 45,

A bill for an act relating to the receiving and handling of grain and other products by railroad companies,

Was read a third time.

Mr. Hughes moved

That the further consideration of the bill be indefinitely postponed, and

The ayes and nays being required, and

The roll being called there were ayes, 6; nays, 9; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Dodge, Donovan, Hughes, Lawler, Mead.

Those who voted in the negative were:

Messrs. Cain, Campbell, Foster, Harstad, Martin, McCumber, Sheldon of Hand, Washabaugh, Weiser.

Absent and not voting:

Messrs. Bogert, Collins, Ericson, Galloway, Grigsby, Sheldon of Day, Smith, Wells, Mr. President.

So the motion was lost.

Mr. McCumber moved

That the blank in line 3 of section 4 be filled by inserting "250."

The motion prevailed.

Mr. Dodge moved

That the word "grinding" be inserted after the word "moving" in line 8 of section 2.

The motion was lost.

The question being put shall the bill pass, and

The roll being called there were ayes 5; nays 14; not voting 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Harstad, Martin, McCumber.

Those who voted in the negative were:

Messrs. Campbell, Collins, Dodge, Donovan, Ericson, Foster, Grigsby, Hughes, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser.

Absent and not voting:

Messrs. Bogert, Galloway, Smith, Wells, Mr. President.

So the motion was lost.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills herewith return Council Bill No. 229 to the chief clerk because the same has passed the House improperly engrossed.

C. D. MEAD,
Chairman.

Council Bill No. 70,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals,

Was read a third time.

Mr. Donovan moved

That the report of the Committee on Public Health be adopted.

The motion prevailed.

Mr. Ericson moved

That the bill be amended as follows:

Amend section 4 by adding after "medical college," in line 2, the words "and possessed of a good common school education."

Insert the following after section 6: "Section 7. The vice president of the County Board of Health shall receive a compensation of \$3 per day for every day in which he may be actually and necessarily engaged, and five cents for every mile actually and necessarily traveled in the performance of his duties."

And re-number sections 7 and 8.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Hand, Washabaugh.

Absent and not voting:

Messrs. Bogert, Collins, Galloway, Grigsby, Martin, Sheldon of Day, Smith, Weiser, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith the following bills which have passed the House and your favorable consideration is respectfully requested.

House Bill No. 108,

A bill for an act entitled an act relating to the office of notaries public.

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

House Bill No. 323,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes.

House Bill No. 240,

A joint resolution declaring in favor of division and admission.

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundaries of wards.

I also return herewith

Council Bill No. 295,

Returned by request of the Council for correction.

Respectfully

W. G. EAKINS,

Chief Clerk.

Council Bill No. 55,

A bill for an act to provide for the corporal punishment upon all male persons convicted of wilfully beating their wives, and the manner and place of inflicting the same,

Was read a third time.

Mr. Hughes moved

That the bill be made a special order for 4 p. m. this day.

The motion prevailed.

Council Bill No. 39,

A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure of the same,

Was read a third time.

Mr. Hughes moved

That the recommendations of the Committee on Judiciary be adopted.

The motion prevailed

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, none; not voting, 9:

Those who voted in the affirmative were:

Messrs. Allin, Cain, Donovan, Ericson, Foster, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Dodge, Galloway, Grigsby, Martin, Sheldon of Day, Wells.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Council Bill No. 80,

A bill for an act to amend section 13, chapter 39, of the
Political Code, concerning compensation of public officers,
Was read a third time.

Mr. Foster moved

That the report of the Judiciary Committee thereon be
adopted.

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out in the conclud-
ing paragraph of section 1 the words "and less than six
thousand people" and to strike out all after the words
"three hundred dollars."

The motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, 5; not
voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Foster, Grigsby,
Hughes, Lawler, Martin, McCumber, Mead, Sheldon of
Hand, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Ericson, Harstad, Smith, Washabaugh.

Absent and not voting:

Messrs. Bogert, Cain, Galloway, Sheldon of Day, Wells.

So the bill passed, and

The question being as to its title, and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House
of Representatives:

HOUSE OF REPRESENTATIVES. }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith:
House Bill No. 257.

A bill for an act to provide for the issuing of bonds

and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor.

Also,

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors, and defining the duties of the same.

Which have passed the House and your concurrence in the same is respectfully asked.

Very respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Hughes made the following motion:

Council Bill No. 295 having been returned by the House as requested, I move that the vote by which it passed be reconsidered.

The motion prevailed.

Mr. Hughes moved

That the sum of sixty thousand dollars in line 25 of section 1 be stricken out and sixty-three thousand five hundred be inserted in lieu thereof.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Grigsby, Harstad, Sheldon of Day, Washabaugh, Wells:

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Appropriations would respectfully report on

Council Bill No. 312,

A bill for an act making appropriations for the University of North Dakota,

That they have been unable for want of time to consider it and herewith return the same without recommendation.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee having had under consideration
Council Bill No. 158,

A bill for an act to publish the General Laws of the Sev-
enteenth Session of the Legislative Assembly in the news-
papers of the Territory, and making an appropriation to
pay for the same,

Would respectfully report and recommend that the same
do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
House Bill No. 49,

A bill for an act to provide for the rate of interest on
money and to define usury,

Having had the same under consideration respectfully
recommend that the same to pass.

MELVIN GRIGSBY,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations beg leave to report
and return herewith

House Bill No. 327,

A bill for an act to provide funds for the furnishing, equip-
ment and improving the grounds of the University of Da-
kota at Vermillion, and for other purposes,

And,

House Bill No. 328,

A bill for an act appropriating \$7,700 for improvement
of grounds and building of Grand Forks University,

Without recommendation because of not having time to
fully consider them.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee to which was referred
Council Bill No. 284,

A bill for an act to ratify acts of loan companies and

building and loan associations, and to provide for their further existence without reincorporation,

Beg leave to report as follows:

That said bill be amended by inserting after the words "chapter three" wherever they occur in said bill the words "title 2 of part 3" and that as thus amended it do pass.

W. E. DODGE,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred House Bill No 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85, of Session Laws of 1883.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885.

House Bill No. 116,

A bill for an act to amend section 7. of chapter 63, of the General Laws of 1885.

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota.

House Bill No. 219,

A bill for an act to amend section 11, chapter 23 of the Political Code.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11 and sections 721 to 733 inclusive of chapter 35 of the Code of Civil Procedure of the Territory.

And

Council Bill No. 300,

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office effecting real estate.

Report the same back without recommendation for the reason that they have not had time to consider the same.

ALEXANDER HUGHES,
Chairman.

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.

Was read a third time and

The question being, shall the bill pass, and

The roll being called, there were ayes. 14; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Ericson, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Grigsby.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Dodge, Donovan, Foster, Mead, Sheldon of Day, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That the further consideration of Council Bill No. 186,

A bill for an act to create new school corporations in certain cases,

Be indefinitely postponed.

The motion prevailed.

Mr. Hughes moved

That the further consideration of Council Bill No. 139,

A bill for an act entitled "an act amending section 1719 of the Civil Code of 1877 of Dakota Territory,

Be indefinitely postponed.

The motion prevailed.

Mr. Mead moved

That the Council concur in the amendments of the House of Representatives to Council Bills Nos. 119, 184, 58 and 215.

The motion prevailed.

Mr. McCumber moved

That further consideration of Council Bill No. 144,

A bill for an act to locate and establish a soldiers' home

in the Territory of Dakota and provide for the management thereof.

Be indefinitely postponed.

The motion prevailed.

Council Bill No. 149,

A bill for an act providing the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease,

Was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 19; nays, 0; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Hughes, Smith.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 157,

A bill for an act to amend subdivision 7 of section 320, in chapter 26 of the Penal Code of the Territory of Dakota, Was read a third time.

Mr. Ericson moved

That its further consideration be indefinitely postponed.

The motion was lost.

Mr. Ericson moved

That "fourteen" be substituted for "seventeen," in line 12, section 1 of the printed bill.

The motion was lost.

Mr. McCumber moved

That the report of the Committee on Judiciary be adopted.

The motion prevailed.

The question then being shall the bill pass and

The roll being called, there were ayes, 10; nays, 6; not voting, 8.

Those who voted in the affirmative were:

Messrs: Allin, Campbell, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Wells.

Those who voted in the negative were:

Messrs. Dodge, Ericson, Foster, Sheldon of Hand, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Donovan, Mead, Sheldon of Day, Smith, Weiser.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

Council Bill No. 179,

A bill for an act relating to the handling and storage of grain and prescribing the duties of warehousemen and the Railroad and Warehouse Commission in relation thereto,

Was read a third time.

The question being shall the bill pass and

The roll being called there were ayes, 6; nays, 14; not voting, 4.

Those who voted in the affirmative were:

Messrs. Galloway, Harstad, McCumber, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Cain, Campbell, Dodge, Ericson, Foster, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Donovan, Smith.

So the bill was lost.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 107.

A bill for an act to remove the disabilities of Heinrich Muchow and restore him to citizenship,

Which the House has passed as amended by the Council.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 9, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 229.

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls and for other purposes,

Which the House has amended by striking out section 8, and as thus amended passed the House, and your concurrence in the same is respectfully asked.

Very Respectfully,
 W. G. EAKINS,
 Chief Clerk.

Mr. Grigsby moved

That the Council concur in the amendments made by the House of Representatives to Council Bill No. 229.

The motion prevailed.

Mr. Grigsby moved

That the title of House Bill No. 229 be amended by striking out the words "and for other purposes."

The motion prevailed.

Council Bill No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 2; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Foster, Galloway, Grigsby, Harstad, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Dodge, Donovan, Ericson, Hughes, Martin, Smith.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code entitled "Revenue,"

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Foster, Galloway, Harstad, Lawler, McCumber, Mead, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Grigsby, Hughes, Sheldon of Hand.

So the bill passed, and,

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 152,

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly relating to building and loan associations,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 4; nays, 16; not voting, 4.

Those who voted in the affirmative were:

Messrs. Campbell, Foster, Galloway, Grigsby.

Those who voted in the negative were:

Messrs. Allin, Cain, Dodge, Donovan, Ericson, Harstad, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Hughes, Mead.

So the bill was lost.

Council Bill No. 136,

A bill for an act to amend articles 8 and 9, of chapter 12 of the Code of Civil Procedure,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Washabaugh.

So the bill passed and

The question being as to its title.

Mr. Hughes moved

That its title be amended by adding thereto the words
"Relating to bills of exceptions and new trials."

The motion prevailed.

Council Bill No. 123,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and to repeal sections 397 and 400 of the Code of Civil Procedure,

Was read a third time.

Mr. Hughes moved

That there be stricken from section 2 the words "That he has a good defense to said action or."

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 11; nays, 4; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Hughes, Lawler, Martin, Mead, Sheldon of Day, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Foster, Galloway, Harstad.

Absent and not voting:

Messrs. Bogert, Collins, Donovan, Ericson, Grigsby, McCumber, Sheldon of Hand, Washabaugh, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Ericson moved

That the rules be suspended, that he be permitted at this time to introduce a bill, and that it be read a first, second and third times and put on its final passage.

The motion prevailed.

Council Bill No. 320,
Introduced by Mr. Ericson—

A joint resolution relative to the printing of the Journals of the Council and House of Representatives of the Seventeenth Legislative Assembly,

Was read three several times, and
The question being shall the bill pass, and
The roll being called there were ayes, 17; nays, 3; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Galloway, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those voting in the negative were:

Messrs. Dodge, Foster, Martin.

Absent and not voting:

Messrs. Bogert, Collins, Donovan, Grigsby.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 167.

A bill for an act to amend section 271 and 277, Code of Civil Procedure,

Was read a third time and
The question being shall the bill pass, and
The roll being called there were ayes, 13; nays, 6; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Foster, Galloway, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Martin, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Donovan, Smith.

So the bill passed and

The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 166,

A bill for an act to amend paragraph 1 of section No. 229 of the Code of Civil Procedure.

Was read a third time.

Mr. Hughes moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Council Bill No. 114.

A bill for an act to repeal sections Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of chapter 20 of the Special Laws of 1885.

Was read a third time.

Mr. Allin moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same.

Was read a third time and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washbaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Dodge.

Absent and not voting:

Messrs. Bogert, Collins, Hughes.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 228.

A bill for an act providing a remedy by garnishment in District courts in the Territory of Dakota,

Was read a third time.

Mr. Grigsby moved

That its further consideration be indefinitely postponed.

The motion was lost.

The question being shall the bill pass, and
The roll being called, there were ayes, 11; nays, 8; not
voting, 5.

Those who voted in the affirmative were:

Messrs. Campbell, Collins, Dodge, Foster, Lawler, Martin,
McCumber, Sheldon of Day, Sheldon of Hand, Weiser,
Wells.

Those who voted in the negative were:

Messrs. Donovan, Galloway, Grigsby, Harstad, Mead,
Smith, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Cain, Ericson, Hughes.

So the bill passed and

The question being as to its title, and being put,
Its title was agreed to.

EXECUTIVE COMMUNICATIONS.

The following messages were received from His Ex-
cellency the Governor:

EXECUTIVE OFFICE, ()
March 9, 1887. ()

To the President of the Council:

I have the honor to inform the Council that I have ap-
proved the following Council Bills, viz:

Council Bill No. 112,

An act entitled an act to provide for the issuance of
bonds by cities and municipal corporations in the Terri-
tory of Dakota, for school and other purposes.

Council Bill No. 156,

An act entitled an act to require teachers of public
schools to keep a record of the visits of county superinten-
dents.

Council Bill No. 50,

An act to amend section 677 of Code of Civil Procedure,
relating to damages caused by railroads.

Council Bill No. 67,

An act authorizing cities to refund outstanding bonded
indebtedness.

Council Bill No. 209,

An act to provide funds for the construction and fur-

nishing of necessary buildings for the Dakota Reform School at Plankinton, Dakota, and for other purposes.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE,)
March 9, 1887.)

To the President of the Council:

I have the honor to return herewith
Council Bill No. 19, entitled

“An act relating to marriages and the registration thereof.”

Section 1 of said act provides that upon the written consent of the father and mother, if living, or either of them, in the case of the inability of the other to act, or duly appointed guardian, any unmarried male of the age of eighteen years or upwards, or any unmarried female of the age of fifteen years or upwards, and not otherwise disqualified, may consummate marriage. The phraseology of this section is defective and misleading. Legislation upon the subject of marriage should certainly be full and complete, in order that innocent parties may be protected from the embarrassment resulting from an ambiguous law. Section 11 of this act is open to the same criticism and also to the further objection that its provisions would certainly lead to the abuses which this bill evidently intends to correct, providing as it does, that no marriage solemnized before any person professing to be a judge, justice of the peace, or other person authorized to solemnize marriage, shall be held as void, or its validity in any way affected on account of lack of authority of any such supposed judge, justice, or minister, provided the marriage is consummated with a full belief on the part of one or both of the persons supposed to be so married that they have been lawfully joined in marriage.

The objections as to phraseology and uncertainty in stating the marriage contract are, with the other reasons stated, sufficient for the withholding of my approval.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. McCumber in the chair.

Council Bill No. 260,

A bill for an act providing for the insurance of public buildings,

Was read a third time.

Mr. Mathews moved

That the recommendations of the Committee on Insurance be adopted.

The motion prevailed.

Mr. Mathews moved

That the bill be amended by striking out all of section 1 and the word "other" in line 2 of section 2.

The motion was lost.

Mr. Washabaugh moved

That the words "two-thirds" be stricken out of line 4, section 2, and that there be inserted in lieu thereof the words "not to exceed one-half."

The motion was lost.

Mr. Smith moved

That section 1 be amended by adding after the word "insured," in line 2 of the printed bill, the words "in such insurance company or companies as may be approved by the governor."

The motion prevailed.

Mr. Ericson moved

That line 4 of section 1 be amended by striking out the words "equal to two-thirds their cost," and inserting "not to exceed two-thirds their value." and by striking out the words "at two-thirds their cost," in line 4, section 2, and inserting "at not to exceed two-thirds their value."

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays 5; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Ericson, Grigsby, Hughes, Lawler, Martin, McCumber, Smith, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Foster, Galloway, Harstad, Sheldon of Hand, Wells.

Absent and not voting:

Messrs. Bogert, Cain, Mead, Sheldon of Day.

So the bill passed and

The question being as to its title, and being put.

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota at Grand Forks, Dakota Territory.

Report the same back with the recommendation that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations have considered

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota at Vermillion.

And recommend that it do pass.

A. W. CAMPBELL,
Chairman.

Council Bill No. 282,

A bill for an act for the regulation and fixing licenses of retail liquor dealers and pool and billiard halls in incorporated cities in the Territory.

Was read a third time.

Mr. Wells moved

That further consideration of the bill be indefinitely postponed, and the

Ayes and nays being required and

The roll being called there were ayes, 9; nays, 5; not voting, 10.

Those who voted in the affirmative were:

Messrs. Collins, Dodge, Donovan, Foster, Galloway, Lawler, McCumber, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Ericsen, Harstad, Martin, Sheldon of Hand.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Grigsby, Hughes, Mead, Sheldon of Day, Smith, Washabaugh, Mr. President.

So the motion prevailed.

Council Bill No. 285.

A bill for an act fixing the date of annual elections in independent school districts not within the boundaries of incorporated cities, towns and villages in the Territory of Dakota.

Was read a third time.

Mr. Ericson moved

That the report of the Committee on Education thereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 16; nays, 0; not voting, 8.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Campbell, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Donovan, Grigsby, Lawler, Sheldon of Hand, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 279,

A bill for an act entitled "An act to amend sections 197, 199 and 218 of the Code of Civil Procedure,"

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 0; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Mead, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Cain, Foster, Martin, Sheldon of Day, Sheldon of Hand, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session Laws of 1885.

Was read a third time.

Mr. Washabaugh moved

That the bill be amended by striking out all after the word "that," in the 5th line of printed bill, down to and including the word "and" in the 6th line.

Also, strike out the following words in the 9th line of printed bill, to-wit: "or to the Supreme Court of the United States."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Smith, Washabaugh, Weiser. Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Collins, Mead, Sheldon of Hand, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I transmit herewith

Substitute for House Bill No. 165,

A bill for an act to make appropriation for the payment of armory rent of the regimental bands of the Dakota National Guard,

Which the House have passed and request your favorable consideration.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

Council Bill No. 292,

A bill for an act to amend section 643 of the Penal Code,
Was read a third time.

Mr. Grigsby moved

That the bill be amended so that section 1 should read
as follows:

SECTION 1. Subdivision 1 of section 643 of the Penal
Code is hereby repealed.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes 9: nays 11: not
voting 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Donovan, Galloway, Grigs-
by, Lawler, McCumber, Washabaugh.

Those who voted in the negative were:

Messrs. Cain, Campbell, Ericson, Foster, Harstad, Martin,
Mead, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Collins, Hughes, Sheldon of Day, Mr. President.

So the bill was lost.

Mr. Campbell moved

That the vote by which the bill was lost be reconsid-
ered.

The motion prevailed.

The President in the chair.

Council Bill No. 321,

Introduced by Mr. Mathews.

A bill for an act entitled an act for the refunding of the
outstanding bonded indebtedness of the Territory, issued
in 1881, bearing six per cent., for the construction of the
insane hospital at Yankton and the penitentiary at Sioux
Falls, and the five per cent. bonds issued for the construc-
tion of the west wing of hospital at Yankton,

Was, under a suspension of the rules by consent, read a
first and second time, and

Referred to the Committee on Revenue.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Judiciary to which was referred
Council Bill No. 291,

A bill for an act to define certain fees of sheriffs in fore-
closure of mortgages.

Report that they have had the same under consideration and recommend that the same be amended by inserting after the word "dollars," in line 6 of printed bill, the following: "for making certificate of redemption, \$2,"

And that as amended, the bill be passed.

ALEXANDER HUGHES,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 300,

A bill for an act to provide for the construction and maintenance of artesian wells in the Territory, and provide a mode of paying for the same.

Also,

House Bill No. 336,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.

Also,

House Bill No. 337,

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886.

House Bill No. 320,

A joint resolution and memorial to Grover Cleveland, President of the United States of America, relative to the permission and continuance of the surveys in the Devils Lake Land District.

House Bill No. 215,

A bill for an act regulating the procurement of chattel mortgages in connection with applications for insurance and providing a penalty for violation thereof.

House Bill No. 335,

A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps.

Which have passed the House and your favorable consideration is requested.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

Consideration of Council Bill No. 292 was resumed.

Mr. Campbell moved

That the vote by which the amendment proposed by Mr. Grigsby was adopted be reconsidered.

The motion was lost.

The question being shall the bill pass, and

The roll being called, there were ayes, 14; nays, 7; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Donovan, Foster, Galloway, Grigsby, Hughes, McCumber, Mead, Sheldon of Day, Washabaugh, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Campbell, Ericson, Harstad, Martin, Sheldon of Hand, Wells.

Absent and not voting:

Messrs. Collins, Lawler, Smith.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Hughes moved

That unanimous consent be given to a reconsideration of Council Bill No. 163.

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Unanimous consent was given.

Mr. Bogert moved

That the bill be amended as follows:

Paragraph 18 of section 2 to read as follows:

18. To meet at the office of the superintendent of public instruction each month during the year; and they shall have power to adjourn from time to time whenever the president deems an adjournment necessary; and the president shall have power to call a special meeting of the board whenever the interests of the school work of the Territory demand it. The other two members of the board shall be assistants to the superintendent and shall each receive a salary of \$1.500 per annum.

Section 4 to read as follows:

Section 4. The territorial superintendent shall have full management and supervision of the public schools of the Territory, subject to such limitations as are or may be prescribed by law. He shall prescribe the duties of the assistant superintendents and they shall perform any duties so prescribed. The governor is authorized to remove from office any superintendent or assistant superintendent who violates, or fails to faithfully discharge the duties of his office, and he is authorized to appoint a successor or successors who shall hold their office until the end of the next session of the Legislative Council. The superintendent shall receive a salary of twenty-five hundred dollars per annum.

Section 6 to read as follows:

SEC. 6. He shall preserve in his office such books, apparatus, maps, charts, works on education, plans for school buildings and other articles of interest to school officers or teachers as may be secured without expense to the Territory.

The ayes and nays being required on the motion, and

The roll being called there were ayes, 17; nays, 3; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Foster, Galloway, Lawler, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Grigsby, Sheldon of Day.

Absent and not voting:

Messrs. Collins, Harstad, Hughes, McCumber.

So the motion prevailed.

Mr. Bogert moved

That so much of the bill as refers to a board of education be stricken from the bill.

The motion was lost.

The question being shall the bill pass and

The roll being called there were, ayes, 22; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Mar-

tin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Hughes.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. McCumber in the chair.

The time having come for the consideration of the special order,

Council Bill No. 191,

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth Judicial District and the times of holding court therein,

Mr. Mathews moved

That the bill be amended by striking out the word "Hamlin" in line 6 of section 1, and to strike out line 28 of section 1.

The motion prevailed.

Mr. Mathews moved

That line 22 of section 1 be amended by striking out the word "third" and inserting "first," and by striking out "June" and inserting "July," and in line 26 by striking out "second" and inserting "first," and striking out "January" and inserting "December," and in line 27 by striking out "first" and inserting "third," and striking out "July" and inserting "June," and in line 18 striking out the word "second" in both places and inserting "first."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson, Foster, Grigsby, Harstad, Martin, McCumber, Sheldon of Hand, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Dodge, Galloway, Hughes, Lawler, Mead, Sheldon of Day, Smith, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Campbell moved

That the vote by which Council Bill No. 59 was passed be reconsidered.

The motion prevailed.

Mr. Campbell moved

That the bill be amended by inserting before the word "Roberts," in section 1, in line 4 hereof, the word "Hamlin."

Also, strike out in line 18, section 1, printed bill, "and the first Tuesday in August."

Add to section 1, after line 11, section 1, the following words: "Hamlin, the first Tuesday in August."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 16; nays, 1; not voting, 7:

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Mead, Sheldon of Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to concur in Council amendments to

House Bill No. 34.

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and territorial board of health.

And ask for a joint committee on conference.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Ericson moved
That Council Bill No. 55 be made a special order for tomorrow at 10 o'clock.

The motion prevailed.

Mr. Dodge moved
That House Bills Nos. 301 and 302 be made special order for 9 o'clock p. m. this day.

The motion prevailed.

Mr. Lawler introduced, by consent—
Council Bill No. 322,

A bill for an act to amend sections 1, 2 and 4 of chapter 25, Special Laws, passed at the Fifteenth Session of the Legislative Assembly of the Territory of Dakota, approved March 9, 1883, entitled "an act to locate and establish a Reform School for Juvenile Offenders at or near the village of Plankinton in Aurora county, Dakota Territory."

And moved that the rules be suspended and the bill be read a first, second and third time and put on its final passage.

The motion prevailed and,
Council Bill No. 322 Was read three several times, and
The question being shall the bill pass and
The roll being called there were ayes, 19; nays, none;
not voting, 5.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Wells.

Absent and not voting:
Messrs. Harstad, Smith, Washabaugh, Weiser, Mr. President.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
Council Bills Nos. 224, 229, 266, 189, 267, 125, 216 and 7
Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report

Council Bills Nos. 224, 229, 266, 189, 267, 125, 216 and 7
Delivered to His Excellency, Governor L. K. Church,
March 9, 1887, at 5 p. m.

C. D. MEAD,
Chairman.

Council Bill No. 262,

A joint resolution and memorial to Congress, for the
division of the Bismarck Land District,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 21; nays, none;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Collins, Dodge, Donovan,
Ericson, Foster, Galloway, Grigsby, Harstad, Hughes,
Lawler, Martin, McCumber, Sheldon of Day, Sheldon of
Hand, Smith, Washabaugh, Weiser. Mr. President.

Absent and not voting:

Messrs. Campbell, Mead, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 204,

A joint resolution relative to a division of the Territory
and the admission of each half into the Union.

Was read a third time.

Mr. McCumber moved

That its further consideration be indefinitely postponed.

Mr. Cain moved

That the motion be laid on the table.

The latter motion prevailed.

The question being put shall the bill pass, and

The roll being called there were ayes, 15; nays, 9;
not voting, 0.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Collins, Ericson, Foster, Grigsby,
Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith,
Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:
Messrs. Allin, Campbell, Dodge, Donovan, Galloway,
Harstad, Hughes, Lawler, McCumber.

So the bill passed and
The question being as to its title, and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House
of Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 238,

A bill for an act to provide an allowance to the justices of
the supreme court of the Territory of Dakota, to defray
their travelling expenses, etc.,

Which the House has passed unchanged.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Dodge moved

That the vote by which the Council concurred in House
amendments to Council Bill 58, be reconsidered.

The motion prevailed.

Mr. Dodge moved

That the Council refuse to concur in said amendments.

The motion prevailed.

Mr. Dodge moved

That the President appoint a committee of conference
on the matters in disagreement.

The motion prevailed and

The President appointed Messrs. Dodge, Campbell and
Ericson.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes,

Also,

Council Bill No. 294,

A bill for an act for the maintenance of the public offices of the Territory,

Which have passed the House unchanged.

Also,

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Also,

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Which have passed the House and your concurrence therein is requested.

Respectfully

W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
March 9, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 7,

An act to create the office of public examiner, defining the duties and dividing the Territory into two examiner districts.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Hughes moved

That the rules be suspended, and that the Council proceed to the consideration of

House Bills Nos. 274, 228, 336, 323, 150, 186, 108, 179, 299, 16, 226, 227 and 35.

The motion prevailed.

House Bill No. 336,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls,

Was read a first, second and third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, 0; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Wells, Mr. President.

Absent and not voting:

Messrs. Foster, Galloway, Harstad, McCumber, Smith, Washabaugh, Weiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 186,

A bill for an act in relation to the vacation of town plats,

Was read a third time and

The question being, shall the bill pass, and

The roll being called, there were ayes, 15; nays, 5; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Ericson, Foster, Harstad, Lawler, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Galloway, Martin, Sheldon of Day, Washabaugh.

Absent and not voting:

Messrs. Dodge, Donovan, Grigsby, Hughes.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 226,

A bill for an act to amend section 2 of chapter 26 of the Political Code,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 18; nays, 0; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Ericson, Foster, Grigsby, Harstad, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Mr. President.

Absent and not voting:

Messrs. Dodge, Donovan, Galloway, Hughes, Mead, Wells.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 1; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Ericson, Foster, Galloway, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. Grigsby.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Donovan, Harstad, Hughes, Lawler, Sheldon of Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 323

Was by unanimous consent introduced by Mr. McCumber,

Who moved that the rules be suspended, the bill be read a first, second and third times and put on its passage.

The motion prevailed.

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil Procedure,

Was read three several times, and

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Ericson, Foster, Galloway, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Donovan, Grigsby, Harstad, Hughes, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 108,

A bill for an act entitled an act relating to the office of notaries public,

Was read three several times.

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 2; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Ericson, Foster, Galloway, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Washabaugh.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Donovan, Grigsby, Harstad, Hughes, Smith.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104, of the General Laws of 1883,

Which the House has passed, and your favorable consideration thereof is requested.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 . March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,
 Council Bill No. 322,

A bill for an act to amend sections 1, 2 and 4, of chapter 25 special laws passed at the Fifteenth Session of the Legislative Assembly, approved March 9, 1883, entitled "an act to locate and establish a reform school for juvenile offenders at or near the village of Plankinton, D. T."

Which has passed the House unchanged.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 9, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to concur in the Council amendments to
 House Bill No. 34,

And has appointed a committee of conference consisting of Messrs. Greene, Fletcher and Mentzer to confer with a like committee to be appointed by the Council.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 252.

A bill for an act entitled "an act to provide for the issuing of bonds for additional buildings and improvements

for the North Dakota Hospital for the Insane near Jamestown, and to appropriate money therefor.

Also,

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

Which the House has passed and your favorable consideration thereof is requested.

Also,

Council Bill No. 174.

A bill for an act to reimburse and pay George Lilly for moneys advanced to complete a portion of certain public buildings,

Council Bill No. 222.

A bill for an act to provide for extending or restricting the limits of incorporated cities and towns.

Council Bill No. 251.

A bill for an act to appropriate funds to pay expenses incurred by Territorial Militia at encampment held at Fargo, D. T., in September, 1885.

Council Bill No. 253.

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness,

Council Bill No. 256.

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years.

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck, D. T.

Council Bill No. 296,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck, Dakota.

And

Council Bill No. 309,

A bill for an act to amend an act entitled "An act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887,

All of which have passed the House without change.

Respectfully,

W. G. EAKINS,
Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 321,

A bill for an act for refunding outstanding indebtedness
of the Territory, issued in 1881, bearing 6 per cent., for the
construction of the Insane Hospital at Yankton and the
Penitentiary at Sioux Falls, and the 5 per cent. bonds is-
sued for the construction of the west wing of the hospital
at Yankton,

Report the same back without recommendation.

H. GALLOWAY,
Chairman.

Mr. Ericson moved

That a committee of three be appointed to confer with a
like committee appointed by the House of Representatives
to consider the matters of disagreement relative to House
Bill No. 34.

The motion prevailed and

The President appointed as such committee Messrs. Eric-
son, Cain and Hughes.

House Bill No. 288,

A bill for an act appropriating funds for the maintenance
of the University of North Dakota, at Grand Forks, D. T.
Was read a third time.

Mr. Foster moved

That the bill be amended by striking out the amount
\$30,600 and inserting in lieu thereof \$20,000.

The motion prevailed.

Mr. Washabaugh moved

That the amount \$2,600 for engineer and fireman be
stricken out and \$1,300 inserted.

The motion prevailed.

Mr. Ericson moved

That the amount \$5,000 be stricken out, and \$1,000 be
inserted.

The motion prevailed.

Mr. McCumber moved

That all having reference to library fund be stricken out.

The motion was lost.

Mr. Sheldon of Day, moved

That \$2,400 for salary of secretary be stricken out, and \$1,200 inserted.

The motion prevailed.

Mr. Hughes moved

That the vote by which \$2,600 was stricken out and \$1,300 was inserted, be reconsidered.

The motion prevailed.

Mr. Hughes moved

That the amount for engineer and fireman be fixed at \$1,800.

The motion prevailed.

The question then being shall the bill pass, and

The roll being called there were ayes, 18; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells. Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Bogert, Dodge, Harstad, Hughes, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 179,

A joint resolution providing for the payment of John P. Hoagland for repairing the Hall of the House of Representatives.

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 3; not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Galloway, Grigsby, Hughes, Martin, McCumber, Mead, Weiser, Wells. Mr. President.

Those who voted in the negative were:
Messrs. Donovan, Foster, Washabaugh.

Absent and not voting:
Messrs. Allin, Bogert, Dodge, Ericson, Harstad, Lawler,
Sheldon of Day, Sheldon of Hand, Smith.

So the bill passed, and,
The question being as to its title and being put,
Its title was agreed to.

House Bill No. 299,
A bill for an act authorizing municipal corporations to
lay out, open, improve and vacate streets and alleys, and
for other purposes,

Was read a third time, and
The question being shall the bill pass, and
The roll being called there were ayes, 14; nays, 2; not
voting, 8.

Those who voted in the affirmative were:
Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster,
Martin, McCumber, Mead, Sheldon of Day, Sheldon of
Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:
Messrs. Galloway, Washabaugh.

Absent and not voting:
Messrs. Bogert, Collins, Dodge, Grigsby, Harstad, Hughes,
Lawler, Smith.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

House Bill No. 274,
A bill for an act to provide funds for the maintenance
of the University of Dakota at Vermillion, and for other
purposes,

Was read a third time.

Mr. Sheldon moved
That the amount "\$18,000" therein be stricken out and
"\$15,000" be inserted.

The motion was lost.

The question being shall the bill pass and
The roll being called, there were ayes, 18; nays, 2; not
voting, 4.

Those who voted in the affirmative were:
Messrs. Allin, Cain, Campbell, Collins, Donovan, Eric-

son, Foster, Galloway Grigsby, Hughes, Lawler, Martin, Mead, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. McCumber, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Dodge, Harstad, Sheldon of Hand.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. McCumber in the Chair.

House Bill No. 35,

A bill for an act providing for bounty for killing gophers and providing for the payment of the same.

Was read a third time.

Mr. Wells moved

That the report of the Committee on Counties be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes. 13; nays. 4; not voting. 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Ericson, Foster, Grigsby, Lawler, Martin, McCumber, Sheldon of Hand, Smith, Weiser.

Those who voted in the negative were:

Messrs. Donovan, Galloway, Sheldon of Day, Washabaugh.

Absent and not voting:

Messrs. Bogert, Dodge, Harstad, Hughes, Mead, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

House Bill No. 323,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes.

Was, on motion of Mr. Sheldon, of Day, under a suspension of the rules, read three several times.

Mr. Sheldon moved

That the amount for library, \$1,000 be stricken out, and \$500 be inserted in lieu thereof.

The motion prevailed.

The question being shall the bill pass, and
The roll being called there were ayes, 18; nays, 0;
not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster,
Galloway, Grigsby, Hughes, Lawler, Martin, McCumber,
Sheldon of Day, Sheldon of Hand, Smith, Washabaugh,
Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Harstad, Mead, Mr. Presi-
dent.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 324,

A bill for an act to legalize the collection of taxes dur-
ing the years 1885 and 1886, wherein there was a failure to
properly execute the county treasurer's warrant or town
marshal's warrant to collect,

Which has passed the House and your favorable consider-
ation is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of
drouth, hail and wind storms of the year 1886, in the sev-
eral counties of the Territory of Dakota,

Was read a third time.

Mr. Hughes moved

That the report of the Committee on Counties be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 15; nays, 2; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith.

Those who voted in the negative were:

Messrs. Martin, Washabaugh.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Harstad, Weiser, Wells, Mr. President.

So the bill passed, and

The question being as to its title and being put.

Its title was agreed to.

Mr. Sheldon moved

That the vote by which House Bill No. 267 was lost, be reconsidered.

The motion was lost.

Council Bill No. 246,

A bill for an act amending section 37 of chapter 1 of the Justices' Code of Dakota,

Was read a third time.

Mr. Hughes moved

That its further consideration be indefinitely postponed.

The motion was lost.

The question being shall the bill pass, and

The roll being called, there were ayes, 10; nays, 9; not voting, 5.

Those who voted in the affirmative were:

Messrs. Campbell, Ericson, Foster, Grigsby, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Allin, Cain, Collins, Galloway, Hughes, Lawler, McCumber, Sheldon of Day, Weiser.

Absent and not voting:

Messrs. Bogert, Dodge, Donovan, Harstad, Mr. President.

So the bill passed, and

The question being as to its title and being put.

Its title was agreed to.

The following report was submitted:

Mr. PRESIDENT:

Your Committee on Appropriations having had under consideration

Council Bill No. 134.

A bill for an act to provide for the printing, publishing, and other current and necessary expenses of the office of the Commissioner of Immigration.

Would respectfully report and recommend that the same be amended by striking out the words "fifteen thousand" in line 5 of section 1 of the original bill and insert in lieu thereof the words "four thousand" and by striking out the words "ten thousand" in line 7 of said section 1 and insert in lieu thereof the words "three thousand"

And as so amended that it do pass.

A. W. CAMPBELL,
Chairman.

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition,

Was read a third time.

Mr. Galloway moved

That the bill be amended as follows:

Amend by striking out all of section 1, and insert

SECTION 1. The Auditor of the Territory is hereby authorized and empowered to hear, determine and to audit a certain claim and demand against the Territory of Dakota, and in favor of Joanna Milton, for services rendered the Territory as Commissioner for Dakota of the woman's department at the World's Exposition held at New Orleans in the years 1884 and 1885, and the said Auditor is empowered to issue his warrant upon the Territorial Treasurer for the amount found due her, not exceeding the sum of four hundred and fifty (450) dollars, and the Treasurer is directed to pay the amount mentioned in such warrant out of any monies in the treasury not otherwise appropriated, provided that said sum so appropriated shall be returned to the general fund whenever any property left over from the exhibits of said Exposition and now belonging to the Territory shall be sold by order of the Governor.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 12; nays, 4; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Galloway, Grigsby, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Foster, McCumber, Washabaugh, Wells.

Absent and not voting:

Messrs. Bogert, Dodge, Donovan, Ericson, Harstad, Lawler, Smith, Mr. President.

So the bill passed, and

The question being as to its title, and being put
Its title was agreed to.

Mr. Washabaugh moved

That the rules be suspended and that House Bill No. 284 be read a first, second and third time and put on its final passage.

The motion prevailed.

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota,

Was read three several times.

Mr. Collins moved

That the allowance of "\$1,200" for janitor be stricken out and "\$800" be inserted in lieu thereof.

The motion prevailed.

Mr. Sheldon moved

That "\$2,000," in line 11, be stricken out and "\$1,000" inserted.

The motion prevailed.

The question being, shall the bill pass, and

The roll being called, there were ayes, 16; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Dodge, Donovan, Harstad, Weiser.

So the bill passed and
The question being as to its title, and being put,
Its title was agreed to.

Mr. Martin moved

That the rules be suspended and that House Bill No. 165
have its several readings and be put upon its passage.

The motion prevailed.

House Bill No. 165,

A bill for an act to make appropriation for the payment
of armory rent of the regimental bands of the Dakota
National Guard,

Was read three several times, and

The question being shall the bill pass and

The roll being called there were ayes, 11; nays, 5; not
voting, 8.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Ericson, Foster, Grigsby,
Hughes, Lawler, Smith, Weiser, Wells.

Those who voted in the negative were:

Messrs. Donovan, Galloway, Martin, Sheldon of Day,
Sheldon of Hand.

Absent and not voting:

Messrs. Allin, Bogert, Dodge, Harstad, McCumber, Mead,
Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put.
Its title was agreed to.

Mr. Collins moved

That the vote by which House Bill No. 284 was passed
be reconsidered.

The motion prevailed.

Mr. Collins moved

That "\$800," the allowance for janitor, be stricken out
and "\$1,000" be inserted.

The motion prevailed

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays 1; not
voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. McCumber.

Absent and not voting:

Messrs. Bogert, Campbell, Dodge, Donovan, Harstad, Mr. President.

So the bill passed, and

The question being as to its title and being put.

Its title was agreed to.

Mr. Campbell moved

That the rules be suspended, and that House Bills Nos. 201 and 116 be considered.

The motion prevailed.

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Was read a third time.

Mr. Campbell moved

That the report of the Committee on Cities and Municipal Corporations thereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 19; nays, 0; not voting, 5.

Those voting in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Dodge, Harstad, Lawler, Mr. President.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

House Bill No. 116,

A bill for an act to amend section 7 of chapter 63 of the General Laws of 1885,

Was read a third time.

Mr. Collins moved

That its further consideration be indefinitely postponed,

The motion prevailed.

Council Bill No. 134,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the commissioner of immigration,

Was read a third time.

Mr. McCumber moved

That the report of the Committee on Appropriations be adopted.

Mr. Cain moved

That it be so amended as to allow \$7,000 for each year.

The motion to amend prevailed.

The report as amended was then adopted.

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 4; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Collins, McCumber, Sheldon of Day.

Absent and not voting:

Messrs. Bogert, Dodge, Harstad.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 293,

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building,

Was read a third time.

Mr. Hughes moved

That the report of the Committee on Appropriations thereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Donovan, Ericson, Foster, Grigsby, Hughes, Lawler, Mead, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Allin, Bogert, Dodge, Harstad, Martin, McCumber, Sheldon of Hand.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes asked leave to at this time introduce a bill, and moved that the rules be suspended and that it be read a first and second time and referred.

The motion prevailed, and

Council Bill No. 324,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read a first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 0; not voting, 11.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Ericson, Foster, Grigsby, Hughes, Lawler, McCumber, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Bogert, Campbell, Dodge, Donovan, Galloway, Harstad, Martin, Mead, Sheldon of Day, Sheldon of Hand.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Council Bill No. 307,

A bill for an act to provide for struck juries,

And

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the
Political Code relating to jurors,

Report that they have had the same under consideration
and report the same without recommendation.

ALEXANDER HUGHES,
Chairman.

Mr. Smith moved

That the rules be suspended and that House Bills Nos.
257 and 252 be read the first, second and third times and
put on their passage.

The motion prevailed.

House Bill No. 257,

A bill for an act to provide for the issuing of bonds
and for additional buildings and improvements for the Da-
kota Hospital for the Insane near Yankton, Dakota, and
to appropriate money therefor

Was read three several times.

Mr. Ericson moved

That the word "six" in line 5 of section 2 be stricken out
and the word "five" be inserted in lieu thereof.

The motion prevailed.

Mr. Ericson moved

That section 1 be amended by adding to line 8 the words
"as follows, or as much thereof as may be necessary."

The motion prevailed.

Mr. Smith moved

That the section be amended by adding after the words
"rate of," the words "not to exceed."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 2;
not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Donovan, Ericson,
Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead.

Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:
Messrs. McCumber, Sheldon of Day.

Absent and not voting:
Messrs. Bogert, Dodge, Harstad.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
March 9, 1887. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to concur in Council amendments to

House Bill No: 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota at Grand Forks, Dakota Territory,

And has appointed a committee of three consisting of Messrs. Fellows, Williams of Burleigh and Mentzer to confer with a similar committee to be appointed by the Council.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That House Bill No. 252 be made a special order for tomorrow at 10:30 o'clock.

The motion prevailed.

Mr. Collins moved

That the President appoint a conference committee to consider with a like committee from the House of Representatives the differences in relation to House Bill No. 288.

The motion prevailed and

The President appointed as such committee Messrs. Collins, Hughes and Lawler.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 273,

A memorial to Congress, praying for the construction of a dam for the improvement of navigation of the Red river,

Beg leave to report that they have had the same under consideration and recommend that the same do pass.

P. J. McCUMBER,
Chairman.

Mr. Sheldon of Day moved

That the Council adjourn until 10 o'clock to-morrow morning.

The motion prevailed and

The president announced that the Council stood Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

FIFTY-NINTH DAY.

BISMARCK, March 10, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

Mr. Galloway moved

That the Council go into executive session.

The motion prevailed.

The chamber was cleared, the doors closed, and the Council spent some time in executive session.

After the doors were opened,

The following petitions were presented:

To the Honorable, the Legislative Assembly of the Territory of Dakota

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Highland, county of Minnehaha do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing

further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

NELS SATHER, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Cummings, county of Traill, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

REV. C. H. PHILLIPS, et al.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 275, 263, 174, 294, 119, 150, 249, 235, 217, 107, 313 and 243,
Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
Council Bill No. 39
Properly engrossed.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

Council Bill No. 318,

A bill for an act providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Beg leave to report the same back with the recommendation that it do pass.

JOHN CAIN,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Council Bill No. 261,

A bill for an act in relation to exemptions for boarding,
Report the same back without recommendation.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred
Council Bill No. 324,

A bill for an act creating and defining a subdivision
of the Sixth Judicial District.

Report the same back with the recommendation that it
be passed.

ALEXANDER HUGHES,
Chairman.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 318,

A bill for an act providing for the payment for newspa-
pers furnished to members of the Seventeenth Legislative
Assembly of the Territory of Dakota,

Was read a second time, and
Referred to the Committee on Public Printing.

Mr. Foster moved

That all House Bills now on their first reading be read a
first and second time, and referred to appropriate commit-
tees.

The motion prevailed.

House Bill No. 300,

A bill for an act to provide for the construction and main-
tenance of artesian wells in this Territory and to provide
a mode of paying for the same,

Was read a first and second time and

Referred to a special committee of Messrs. Sheldon of
Hand, Smith and Weiser.

House Bill No. 335,

A bill for an act making an appropriation to pay defi-
ciency in expense account of Railroad Commissioners and
for railroad maps,

Was read a first and second time and
Referred to the Committee on Appropriations.

House Bill No. 215,

An act regulating the procurement of chattel mortgages in connection with application for insurance, and providing a penalty for violation thereof,

Was read a first and second time and

Referred to the Committee on Insurance.

House Bill No. 320,

A joint resolution and memorial to Grover Cleveland, President of the United States of America, relative to the permission and continuance of the surveys in the Devils Lake Land District.

Was read a first and second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 324,

A bill for an act to legalize the collection of taxes during 1885 and 1886, wherein there was a failure to properly execute the county treasurer's warrant or town marshal's warrant to collect,

Was read a first and second time and

Referred to the Committee on Revenue.

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Was read a first and second time and

Referred to the Committee on Railroads.

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Was read a first and second time and

Referred to the Committee on Appropriations.

House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the territory to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883,

Was read a first and second time, and

Referred to the Committee on Judiciary.

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

Was read a first and second time and

Referred to the Committee on Railroads.

House Bill No. 337.

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886,

Was read a first and second time and

Referred to the Committee on Public Printing.

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundary of wards,

Was read a first and second time and

Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 240,

A joint resolution declaring in favor of division and admission,

Was read a first and second time and

Referred to the Committee on Federal Relations.

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

Was read a first and second time and

Referred to the Committee on Highways and Bridges.

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors, and defining the duties of the same.

Was read a first and second time and

Referred to the Committee on Counties.

House Bill No 315,

A bill for an act regulating abstractors or others making abstracts of the title to real estate.

Was read a first and second time and

Referred to the Judiciary Committee.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 208,

A bill for an act to amend section 407, article 3, chapter 3 of the Civil Code. relating to corporations.

Was read a third time.

Mr. Bogert moved

That section 1 be amended by inserting in line 5, after the word "directors" the words "or trustees."

The motion prevailed.

The question being shall the bill pass and
The roll being called there were ayes. 17; nays, 0;
not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Ericson, Galloway,
Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Shel-
don of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Dodge, Donovan, Foster, Lawler, Sheldon
of Day, Smith.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

Council Bill No. 281,

A bill for an act to amend section 61, chapter 2S, of the
Political Code, entitled "Revenue."

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes. 12; nays, 5; not
voting, 7.

Those who voted in the affirmative were:

Messrs. Campbell, Ericson, Galloway, Grigsby, Harstad,
Hughes, Martin, Mead, Sheldon of Hand, Smith, Wells,
Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, McCumber, Washabaugh, Weiser.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Donovan, Foster, Lawler,
Sheldon of Day.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

Mr. McCumber in the chair.

Mr. Washabaugh moved

That Council Bill No. 321 be referred to a special com-
mittee to consist of Messrs. Grigsby and Smith, with in-
structions to report this afternoon.

The motion prevailed.

Council Bill No. 283,

A bill for an act to amend section 407 of the Civil Code,
relating to corporations,

Was read a third time.

Mr. Hughes moved

That the bill be amended by striking out the words "resident in the Territory," in line 7, section 1.

The motion was lost.

Mr. Washabaugh moved

That the bill be amended by inserting as section 2: The principal place of business of such corporations may be changed in like manner and upon like notice. Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

And making section 2 of the original bill section 4.

The motion prevailed.

Mr. Bogert moved

That the bill be amended by striking out in line 20, section 1, the words "of the register of deeds," and in line 21, section 1, the words "and a certified copy thereof in the office of the secretary of the Territory."

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 10; nays, 5; not voting, 9.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Hughes, Lawler, McCumber, Mead, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Martin, Sheldon of Hand, Weiser.

Absent and not voting:

Messrs. Allin, Dodge, Donovan, Foster, Galloway, Grigsby, Sheldon of Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 311,

A bill for an act entitled an act for ordering an encampment of the territorial militia,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 2; nays, 13; not voting, 9.

Those who voted in the affirmative were:

Messrs. Collins, Dodge.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Donovan, Ericson, Galloway, Harstad, Hughes, Martin, McCumber, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Campbell, Foster, Grigsby, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Smith, Mr. President.

So the bill was lost.

Council Bill No. 305,

A bill for an act prescribing a form for the acknowledgment of deeds and other instruments, and to legalize acknowledgements heretofore made by deputy sheriffs,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Harstad, Weiser, Wells.

Absent and not voting:

Messrs. Collins, Dodge, Foster, Sheldon of Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 314,

A bill for an act to provide for the changing of names of platted townsites where from any cause it shall appear that two towns have been given the same name,

Was read a third time.

Mr. Hughes moved

That the further consideration of the bill be indefinitely postponed.

The motion prevailed.

Council Bill No. 321,

A bill for an act entitled an act for the refunding of the outstanding bonded indebtedness of the Territory issued in 1881, bearing 6 per cent., for the construction of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls.

and the 5 per cent. bonds issued for the construction of the west wing of the Hospital at Yankton,

Was read a third time.

Mr. Grigsby submitted the following report of the special committee thereon.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 321,

A bill for an act entitled "an act for the refunding of the outstanding bonded indebtedness of the Territory issued in 1881, bearing 6 per cent, for the construction of the insane hospital at Yankton, and the Penitentiary at Sioux Falls, and the five per cent bonds issued for the construction of the west wing of Hospital at Yankton,"

Beg leave to report that they have had the same under consideration and respectfully recommend that said bill be amended by numbering the sections 3 and 9 as sections 1 and 7; by striking the word "location" in third line of section 7 as renumbered and inserting the word "residence" in lieu thereof; by striking out all of section 8 after the word "interest" in line 13.

MELVIN GRIGSBY,
Chairman.

Mr. Bogert moved

That the recommendations of the report be adopted.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Donovan, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Allin, Collins, Dodge, Foster, Mead, Sheldon of Day, Smith, Weiser, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 234.

A bill for an act to fix the compensation of judges of the

probate court and provide a fund for the payment of the same,

Was read a third time.

Mr. Campbell moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Mr. Bogert moved

That the rules be suspended and that Council Bill No. 325 have its several readings and be put on its passage.

The motion prevailed.

Council Bill No. 325.

A bill for an act to amend chapter 103 of the Session Laws of 1883, relating to the territorial treasurer entitled, "an act to amend section 3 of chapter 39 of the Political Code and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881,"

Was read three several times, and

The question being shall the bill pass, and

The roll being called there were, ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Galloway.

Absent and not voting:

Messrs. Foster, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 298,

A bill for an act providing for civil townships to surrender and make void their organization,

Was read a third time.

Mr. Foster moved

That the substitute bill reported by the Committee on Incorporations be adopted.

The motion prevailed.

The question being put shall the bill pass, and

The roll being called there were ayes, 15; nays, 2; not voting, 7.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Dodge, Foster, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Hand, Smith, Weiser, Wells,

Those who voted in the negative were:

Messrs. Allin, Harstad.

Absent and not voting:

Messrs. Donovan, Ericson, Galloway, Mead, Sheldon of Day, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Campbell in the chair.

Council Bill No. 158,

A bill for an act to publish the General Laws of the Seventeenth Legislative Assembly in the newspapers of the Territory and making an appropriation to pay for the same,

Was read a third time.

Mr. Cain moved

That the bill be amended by striking out the word "sixty," in line 4 of section 1, and inserting "thirty," and by striking out the word "three" in line 6 of section 1, and inserting "ten."

Mr. McCumber moved

That the last motion be amended by striking out "ten" and inserting "five."

The ayes and nays being required on the last motion, and

The roll being called, there were ayes. 10; nays, 7; not voting, 7.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Collins, Dodge, Foster, Harstad, McCumber, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Cain, Ericson, Galloway, Hughes, Martin, Smith, Washabaugh.

Absent and not voting:

Messrs. Allin, Donovan, Grigsby, Lawler, Mead, Sheldon of Day, Mr. President.

So the motion prevailed, and
The motion as amended then prevailed.

Mr. McCumber moved

That the bill be amended by striking out the words
"five thousand" in section 3 and inserting in lieu thereof
the words "eight thousand."

The motion prevailed.

Mr. Ericson moved

That "eight thousand" be stricken out and "six thousand"
be inserted in lieu thereof.

The motion was lost.

The question being shall the bill pass, and

The roll being called there were ayes, 11; nays, 6; not
voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Foster,
Grigsby, McCumber, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Cain, Ericson, Galloway, Harstad, Martin, Wash-
abaugh.

Absent and not voting:

Messrs. Donovan, Hughes, Lawler, Mead, Sheldon of
Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

The President in the chair.

Council Bill No. 307,

A bill for an act to provide for struck juries.

Was read a third time and

The question being, shall the bill pass, and

The roll being called, there were ayes, 10; nays, 4;
not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Ericson, Galloway,
Grigsby, Martin, McCumber, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad, Lawler, Washabaugh, Wells.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Donovan, Foster, Hughes,
Mead, Sheldon of Day, Sheldon of Hand, Smith.

So the bill passed and
The question being as to its title and being put
Its title was agreed to. .

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the
Political Code, relating to jurors.

Was read a third time.

Mr. McCumber moved

To amend section 1 by inserting after the word "action,"
in line 3, the words "or by reason of any other cause," and
by adding after the last word in said section the words
"and when so selected, shall be summoned by the sheriff
or other proper officer."

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, 0; not
voting, 7.

Those who voted in the affirmative were:

Messrs, Allin, Cain, Dodge, Donovan, Ericson, Foster,
Galloway, Grigsby, Harstad, Lawler, Martin, McCumber,
Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Hughes, Mead, Sheldon
of Day, Sheldon of Hand.

So the bill passed, and

The question being as to its title and being put
Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
port

Council Bills Nos. 243, 313, 107, 217, 235, 249, 150, 119,
294, 174, 263 and 275

Delivered to his Excellency, Governor L. K. Church,
March 10, 1887, at 12:30 p. m.

C. D. MEAD,
Chairman.

House Bill No. 252,

A bill for an act entitled "an act to provide for the issu-
ing of bonds for additional buildings and improvements
for the North Dakota Hospital for the Insane near James-
town, and to appropriate money therefor,

The special order for this hour was read a third time.

Mr. Dodge moved that the bill be amended as follows:

Strike out the words "one hundred and ninety-four thousand, five hundred" and the figures "\$194,500" where they occur in the 21st, 22d and 23d lines of section 1 of written bill and insert in place thereof the words and figures "one hundred and fifty-three thousand dollars (\$153,000)."

Strike out the words and figures "(\$90,000) ninety-four thousand," in 24th line of section 1 of the written bill, and insert instead the words and figures "(\$70,000) seventy thousand dollars."

Strike out the words and figures "(\$95,000) ninety thousand dollars," in line 26 of section 1 of written bill, and insert instead the words and figures "(\$5,000) five thousand dollars."

Strike out the words and figures "(\$10,000) ten thousand dollars," in line 27 of section 1, written bill, and insert instead the words and figures "(\$6,000) six thousand dollars."

Strike out the words and figures "(\$3,000) in line 30, section 1 of written bill, and insert instead words and figures "(\$2,000) two thousand dollars."

Strike out the words and figures "(\$12,500) twelve thousand and five hundred dollars," in line 32, section 1 of written bill and insert instead "(\$10,000) ten thousand dollars."

Strike out words and figures "(\$2,500) two thousand, five hundred dollars," in line 36, section 1, written bill, and insert "(\$1,500) one thousand five hundred dollars."

Strike out the words and figures \$1,500 in line 38, section 1, written bill, and insert (\$500) five hundred.

Strike out the words and figures \$2,000 in line 40, section 1, and insert instead (\$1,000) one thousand.

Strike out the words and figures \$10,000 in line 41, section 1, written bill, and insert (\$6,000) six thousand.

Strike out the last eight lines of section 1 of the written bill.

Amend section 2 by striking out of said section the words and figures \$194,500 where they occur, and insert instead (\$153,000) one hundred and fifty-three thousand.

Amend section 9 by striking out \$194,500 where it occurs, and insert instead the words and figures \$153,000.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 15: nays, 3: not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Dodge, Donovan, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Grigsby, Washabaugh.

Absent and not voting:

Messrs. Campbell, Ericson, McCumber, Mead, Sheldon of Day, Wells.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Public Printing to which was referred

House Bill No. 337,

A Joint Resolution making an appropriation to pay for the printing of the biennial reports of territorial officers and institutions for the fiscal years of 1885 and 1886.

Beg leave to report the same back with the recommendation that it do pass.

JOHN CAIN,
Chairman.

Mr. Smith introduced—

Council Bill No. 326,

A bill for an act to amend section 1, chapter 48, Special Laws of 1885, entitled, "an act to provide for the payment of clerical work in the executive office,"

And moved that the rules be suspended and the bill be read a first, second and third times and put on its passage.

The motion prevailed.

The bill was read three several times and

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Donovan, Foster, Galloway, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Grigsby, Harstad, Martin.

A bill for an act to provide for the construction and maintenance of artesian wells in the Territory, and provide a mode of paying for the same.

The bill has been carefully drawn, and provides for a great want in many places of the Territory. The joint committee unanimously report favorably upon the bill and recommend its passage.

E. T. SHELDON,
G. A. HARSTAD,
E. G. SMITH,

Committee from the Council.

B. H. SULLIVAN,
D. W. SPRAGUE,
J. O. WARD,
JOHN R. DUTCH,
H. J. MALLORY,

Committee from the House.

MR. PRESIDENT:

Your Committee on Highways and Bridges to whom was referred

House Bill No. 222.

A bill for an act to authorize the payment of the compensation due road supervisors.

Report that they have had the same under consideration and recommend that the bill do pass.

E. T. SHELDON,
Chairman.

House Bill No. 211.

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota."

Was read the third time, and

The question then being shall the bill pass and

The roll being called, there were ayes, 18; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

The following report was submitted:

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred
House Bill No. 324,

A bill for an act to legalize the collection of taxes during the years 1885 and 1886, wherein there was a failure to properly execute the county treasurer's warrant or town marshal's warrant to collect,

Report the same back with the recommendation that it do pass.

H. GALLOWAY,
Chairman.

Mr. Collins moved

That the rules be suspended and that the Council proceed to the consideration of House Bills on their third reading.

The motion prevailed.

Mr. Collins in the chair.

House Bill No. 337,

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years 1885 and 1886,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 0; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Harstad, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Cain, Dodge, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Smith, Weiser, Mr. President.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Artesian Wells would respectfully report that they have met in joint session with a like committee from the House and fully examined

House Bill No. 300.

A bill for an act regulating procurement of chattel mortgages in connection with application for insurance, and providing a penalty for violation,

Wish to report back the same with the recommendation that the bill do pass.

T. O. BOGERT,
Chairman.

House Bill No. 128,

An act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness, approved March 12, 1885.

Was read a third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 0; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Donovan, Hughes, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your committee to whom was referred

House Bill No. 270.

A bill for an act to appropriate funds for certain purposes,

House Bill No. 335,

A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps.

Would respectfully report that they have been unable for want of time to consider them, and herewith report the same back without recommendation.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

House Bill No. 315,

A bill for an act regulating abstractors and others making abstracts of the title to real estate.

Report the same back without recommendation.

ALEXANDER HUGHES,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the territory to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883,

Have had the same under consideration, and a majority of the committee instructs me to report the same back with the recommendation that it be passed,

ALEXANDER HUGHES,
Chairman.

House Bill No. 137,

A bill for an act to amend an act entitled "an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,"

Was read a third time.

Mr. Galloway moved

That the recommendations of the Committee on Public Health be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 11; nays, 6; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Foster Galloway, Hughes, Lawler, Martin, Weiser.

Those who voted in the negative were:

Messrs. Ericson, Grigsby, Harstad, Mead, Washabaugh, Wells.

Absent and not voting:

Messrs. Allin, Bogert, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Was read a third time.

Mr. Washabaugh moved

That the recommendations of the report of the Committee on Judiciary be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 15; nays, 6; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Dodge, Donovan, Foster, Galloway, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Campbell, Ericson, Smith, Washabaugh.

Absent and not voting:

Messrs. Grigsby, Martin, Mead.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain, as notary public of the Territory of Dakota.

Was read a third time and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Harstad, McCumber, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 238,

A bill for an act entitled an act to change the name of the Dakota Brokerage Investment Company, of Sioux Falls.

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those voting in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Ericson, Grigsby, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Dodge, Donovan, Foster, Galloway, McCumber, Mead, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 10, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school township district in the Territory of Dakota,

Which has been amended by striking out the word "incorporated" wherever it may occur in any of the sections of the bill.

Your concurrence in said amendments is requested.

Respectfully,

W. G. EAKINS,

Chief Clerk.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report properly enrolled

Council Bills Nos. 184, 222, 257, 322, 253, 277, 296, 309, 256, 238, 230, 218.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations hereby report that they have been unable, for want of time, to consider Council Bill No. 316.

A bill for an act making an appropriation for traveling and other expenses of the board of railroad commissioners for the two years ending April 1, 1889,

And hereby report the same back without recommendation.

A. W. CAMPBELL,
Chairman.

Council Bill No. 318,

A bill for an act providing for the payment of newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Was read a third time.

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays 3; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Harstad, Hughes, Lawler, Sheldon of Day, Sheldon of Hand, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Galloway, Grigsby, Washabaugh.

Absent and not voting:

Messrs. Dodge, Martin, McCumber, Mead, Smith, Weiser.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills beg to report

Council Bills Nos. 184, 222, 251, 322, 253, 277, 296, 309, 256, 238, 230, and 218,

Deposited with His Excellency Governor L. K. Church, March 10, 1887, at 4 p. m.

C. D. MEAD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 10, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No 194.

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the territorial Normal School, at Springfield, D. T.

Which the House has amended as follows, and your concurrence therein is requested:

Add the words "and for other purposes" to the title of bill.

Section 4 shall read as follows: "SEC. 4. That chapter one hundred and one (101) of the Session Laws of 1881 of the Territory of Dakota, entitled "an act to locate, establish and endow a Territorial Normal School."

Also chapter 22, of the Session Laws of 1883 of the Territory of Dakota, amendatory of said chapter one hundred and one (101) above mentioned, be and the same are hereby revised and re-enacted and continued in full force from and after the passage of this bill and its approval by the governor.

Section 4 of said bill shall be designated as section 5, and recommend the bill pass as amended.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Bogert moved

That the Council concur in the amendments made by the House of Representatives to Council Bill No. 194.

The motion prevailed.

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Was read a third time.

Mr. Foster moved

That section 1 be amended by striking out all after the

word "laws" in line 26 (printed bill) up to and including the word "duties" in line 27.

The motion prevailed.

Mr. Bogert moved

That section 5 be amended by inserting after the word "conditioned" in line 4 of the printed bill the words "on the proper performance of the duties herein prescribed."

The motion prevailed.

Mr. Sheldon of Day moved

That in line 5 of section 5 the word "his" be stricken out and "their" inserted. After the word "prescribed" strike out the words "he shall" and insert "they shall each." Strike out \$250 and insert \$200.

The motion prevailed.

Mr. Foster moved

That the bill be amended by adding to section 2 the following:

"Provided, that no amount to exceed four thousand dollars shall be paid out of the territorial treasury for the compilation herein authorized, including salaries and expenses of compilers."

The motion prevailed.

Mr. Bogert moved

That section 4 be amended by inserting after the word "distribution" in line 2 the words "which shall be within eight months from the passage and approval of this act."

The motion prevailed.

The question being, shall the bill pass, and

The roll being called, there were ayes, 18; nays, 3; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. McCumber, Smith, Washabaugh.

Absent and not voting:

Messrs. Collins, Donovan, Wells.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
BISMARCK, March 10, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 322,

An act to amend sections 1, 2 and 4, of chapter 25 special laws passed at the Fifteenth Session of the Legislative Assembly, approved March 9, 1883, entitled "an act to locate and establish a reform school for juvenile offenders at or near the village of Plankinton, D. T."

Respectfully,

LOUIS K. CHURCH,
Governor.

The President in the chair.

Mr. Foster introduced
Council Bill No. 328,

A bill for an act providing for compensation for C. D. Mead and A. J. Pruitt for labor as Committee of Engrossment and Enrollment in the Council and House respectively,

And moved that the bill have its several readings and be put on its passage.

The motion prevailed.

Council Bill No. 328,

Was read three several times, and

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 0; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Donovan, Galloway, Harstad, Mead, Smith.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

House Bill No. 300.

A bill for an act to provide for the construction and maintenance of artesian wells in this Territory and to provide a mode of paying for the same,

Was read a third time.

Mr. Mead moved

That the bill be amended as follows:

Amend the bill as follows:

Chapter 1, (printed bill,) section 2, line 2, after the word "ditch" insert the words "connected therewith."

Chapter 2, section 1, line 2, strike out the words "the county treasurer" and insert in lieu thereof the words "the judge of probate."

Section 2, add the following proviso (see exhibit "A").

Chapter 3, section 3, line 5, strike out the word "probate" and insert in lieu thereof the word "district." also wherever the word "probate" occurs in the bill strike it out and insert in lieu thereof the word "district;" also same chapter, section 6, line 14, strike out the word "drain" and insert in lieu thereof the words "artesian well."

Section 9, line 13, strike out the word "township" and insert in lieu thereof the word "county;" also, same line, after the word "situated" insert the words "or in case the land is not in any organized township then in the county."

Section 12, line 8, strike out the word "county" and insert after the word "clerk" the words "district court;" also line 14, same section, strike out the first word "or" in the line.

Section 16, line 3, after the word "highways" insert the words "or road supervisor."

Chapter 4, section 1, line 13, after the word "township" insert the words "and the road supervisor for any road district."

Section 2, line 5, after the word "two" insert the words "three," "four" or "five" also, line 6, strike out the word "next;" add the letter "s" to the word "year" and insert the word "next" after the word "year" as amended by the addition of the letter "s."

Section 3, lines 10, 11 and 12, strike out the words "the parties who are assessed a tax for benefits in the construction of such well and who may be bidders for contract

thereon shall, if equal bidders, with other parties be preferred in awarding such contract."

Chapter 5, section 1, line 3, after the word "welfare" insert the words "or in case that part of the county is not organized into civil townships, then to the county at large;" also line 13, after the word "township" insert the words "or partly in a township and partly in the county not organized into townships;" also line 14, after the word "township" insert the words "and the county at large;" also in line 15, after the word "township" insert the words "and the county at large;" also in same line, strike out the word "is" and insert in lieu thereof the word "are."

Section 2, line 5, after the word "clerk" insert the words "or when said lands are not in an organized township, to the board of county commissioners by filing with the county clerk or auditor;" also line 6, after the word "board" insert the words "or board of commissioners."

Section 3, line 1, after the word "township" insert the words "or county;" and after the word "clerk" the words "or auditor;" also in line 2, after the word "Board" insert the words "or board of county commissioners;" also line 5, after the word "township" insert the words "or county;" also line 6, before the word "board" insert the words "or county;" also, in line 12, after the word "township" insert the words "or county," and after the word "clerk" insert the words "or auditor."

Section 4, line 1, after the word "township" insert the words "or county."

Section 5, line 1, after the word "township" insert the words "or county."

Section 6, line 2, after the word "township" insert the words "or county;" also, line 4, after the word "township," insert the words "or county," and after the word "clerk" the words "or auditor."

Chapter 6, section 1, line 13, before the word "upon" insert the words "and upon the county when effected."

Section 2, line 2, after the word "thereby" insert the words "and for any land not included in any organized township;" also, at the end of said section 2, add the words "He shall also certify at the same time to the county clerk or auditor the amount of assessments to be paid by the county, if any, and the clerk or auditor shall spread the amount on the tax list under the proper heading, as herein provided, and to be collected in like manner."

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 4; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Bogert, Ericson, Martin.

Absent and not voting:

Messrs. Collins, Donovan, McCumber, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Revenue hereby report that they have been unable for want of time to consider Council Bill No. 200.

A bill for an act supplementary to chapter 28 of the Political Code entitled "Revenue," relative to personal property taxes,

And hereby return the same without recommendation.

H. GALLOWAY,
Chairman.

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees,

Was read a third time.

Mr. Washabaugh moved

That the recommendations of the committee thereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Ericson, Foster, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. President.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Donovan, Galloway, Grigsby, Smith.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell in the chair.

House Bill No. 327,

A bill for an act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota, at Vermillion, and for other purposes,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Dodge, Donovan, Ericson, Foster, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Collins, Galloway, Grigsby, Harstad, McCumber, Smith.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 142,

A bill for an act to provide for the location of alleys in cities and incorporated towns and villages,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 4; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Dodge, Galloway, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser.

Those who voted in the negative were:

Messrs. Ericson, Foster, Lawler, Wells.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Donovan, Grigsby, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

House Bill No. 150,

A bill for an act to amend an act to create a territorial department of agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same,

Was read a third time.

Mr. Cain moved

That the following be inserted after the word "determine," in line 4 of section 5: "Provided, that the fair and fat stock show for district No. 1 for 1887 shall be held at or near the city of Huron."

The motion was lost.

Mr. Dodge moved

That "6,000" be stricken out of the bill and "10,000" be inserted in lieu thereof.

The motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 22; nays, 0; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Donovan, Washabaugh.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report properly enrolled

Council Bills Nos. 121 and 295.

C. D. MEAD,
Chairman.

House Bill No. 301,

A bill for an act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,

Was read a third time.

Mr. Hughes moved

That the bill be amended as follows: Add the word "be" at the end of line 7, of section 3, printed bill. Strike out all of section 16 after the word "fund" in line 11 of the printed bill. Add the following as section 17:

SEC. 17. Hereafter it shall be the duty each year of the Territorial Board of Equalization at the time of making the annual assessment to levy a special tax, not exceeding one mill on the dollar upon the assessed value of all cattle, horses and mules in the Territory, to be known as the stock indemnity fund. Said tax shall be levied and collected by the several counties and paid to the territorial treasurer in the manner provided by law for the levying, collection and payment of other territorial taxes. Said fund shall constitute the stock indemnity fund, specified by this act to be used in paying for animals destroyed under the provisions thereof. It shall be used exclusively for that purpose and shall be paid out by the territorial treasurer as hereinbefore provided for.

That sections 17 to 22 be numbered 18 to 23.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 19; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Donovan, Lawler.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 302,

A bill for an act to prevent the spread of contagious diseases among sheep,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 9; nays, 8; not voting, 7.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Dodge, Foster, Hughes, Martin, Sheldon of Hand, Smith, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Ericson, Galloway, Harstad, McCumber, Sheldon of Day, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Donovan, Grigsby, Lawler, Mead, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 324,

A bill for an act to legalize the collection of taxes during 1885 and 1886, wherein there was a failure to properly execute the county treasurer's warrant or town marshal's warrant to collect,

Was read a third time.

Mr. Wells moved

That its further consideration be indefinitely postponed.

The motion prevailed.

Mr. Ericson in the chair.

House Bill No. 235,

A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds.

Was read a third time.

Mr. Campbell moved

That the report of the Committee on Counties be adopted.

The motion prevailed.

Mr. Dodge moved

That the bill be amended as follows:

In line 1, section 1, changing the word "six" to "three."

In line 4, section 6, changing the word "order" to "bearer."

In line 2, section 1, changing the word "four" to "three."

The motion prevailed.

The roll being called, there were ayes. 18; nays, 4; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Harstad, Mead, Smith, Washabaugh.

Absent and not voting:

Messrs. Martin, Mr. President.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 95,

A bill for an act establishing a Territorial Horticultural society and making an appropriation for the encouragement of horticulture and forestry,

Was read a third time.

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 4; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Foster, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Wells.

Those who voted in the negative were:

Messrs. Ericson, Galloway, Harstad, Weiser.

Absent and not voting:

Messrs. Bogert, Sheldon of Day, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your joint committee appointed to consider

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and territorial board of health;

And recommend that the bill be amended by inserting the words "two thousand (2,000)" after the words "the sum of" in section 1 of the bill, and so amended recommend that the bill do pass.

T. F. MENTZER,
F. GREENE,
J. H. FLETCHER,
JOHN CAIN,
E. C. ERICSON,
ALEXANDER HUGHES

Mr. Hughes moved

That the Council concur in the report of the committee, and

The roll being called, there were ayes, 12; nays, 6; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Ericson, Foster, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Galloway, Grigsby, McCumber, Mead, Washabaugh.

Absent and not voting:

Messrs. Campbell, Collins, Dodge, Donovan, Harstad, Smith.

Mr. Lawler moved

That the rules be suspended and that he be permitted to introduce a bill which should be read its first, second and third time and put on its final passage.

The motion prevailed.

Mr. Lawler introduced—

Council Bill No. 329,

A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,

Which was read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, 2; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, McCumber.

Absent and not voting:

Messrs. Collins, Dodge, Donovan, Ericson, Smith.

So the bill passed, and,

The question being as to its title and being put,

Its title was agreed to.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 10, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 37,

A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement.

Council Bill No. 91,

A bill for an act to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.

Council Bill No. 147,

A bill for an act to provide when courts are opened for all purposes.

Also,

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

Which the House has passed with the following amendment:

Amend section 12 by striking out "whose place of business is nearer than one mile from a drug or apothecary shop."

Amend section 13 by striking out the words "The Phar-

macopain of the United States," and inserting "any standard work on pharmacy."

And your concurrence therein is respectfully requested.

Very respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Galloway moved

That the Council concur in House amendments to Council Bill No. 20.

The motion prevailed.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were, ayes, 13; nays, 4; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Donovan, Foster, Galloway, Hughes, Martin, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Grigsby, Mead, Washabaugh.

Absent and not voting:

Messrs. Campbell, Collins, Dodge, Harstad, Lawler, McCumber, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Grigsby in the chair.

Council Bill No. 261,

A bill for an act in relation to exemptions for boarding,

Was read a third time.

Mr. Foster moved

That the further consideration of the bill be indefinitely postponed.

The motion prevailed.

Council Bill No. 200.

A bill for an act supplementary to chapter 28 of the Political Code entitled "Revenue," relative to personal taxes.

Was read a third time.

Mr. Foster moved
 That the word "ten" in lines 3 and 12 be stricken out
 and "five" be inserted in lieu thereof.
 The motion prevailed.
 The question being shall the bill pass, and
 The roll being called, there were ayes, 8; nays, 12;
 not voting, 4.
 Those who voted in the affirmative were:
 Messrs. Allin, Campbell, Collins, Donovan, Harstad,
 Hughes, Lawler, Wells.
 Those who voted in the negative were:
 Messrs. Bogert, Ericson, Foster, Galloway, Grigsby, Mar-
 tin, Mead, Sheldon of Day, Sheldon of Hand, Smith,
 Washabaugh, Weiser.
 Absent and not voting:
 Messrs. Cain, Dodge, McCumber, Mr. President.
 So the bill passed, and
 The question being as to its title, and being put
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES, }
 March 10, 1887. }

MR. PRESIDENT:
 I have the honor to transmit herewith
 Council Bill No. 241,
 A bill for an act to appropriate funds to pay and reim-
 burse C. J. Cummings and M. Ware for services as under-
 graduates applying for licenses to practice medicine in the
 Territory of Dakota.
 Which the House has passed by amending the title by
 inserting the words "examiners of" after the word "as."
 Also,
 Council Bill No. 227 (substitute),
 A bill for an act to appropriate funds for the payment of
 a claim against the Territory of Dakota, for the printing of
 bills, joint resolutions and memorials for the Legislative
 Assembly of 1872-3, under authority of a joint resolution.
 Which have passed the House unchanged.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your committee of conference appointed to adjust the differences existing between the two houses on House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota, at Grand Forks, D. T.,
Report as follows:

That they have conferred freely, and as a result of such conference recommend that the Council recede from its amendments so far as they relate to the items hereinafter referred to.

The committee further recommend that the item for salaries of instructional force be fixed at \$2,500.

That the item for salary of engineer, fireman and janitor be fixed at \$2,400.

That the item for salary of secretary be fixed at \$2,000.

That the item for library be fixed at \$2,000.

W. H. FELLOWS,

E. A. WILLIAMS,

T. F. MENTZER,

Managers for the House.

ALEXANDER HUGHES,

JOHN D. LAWLER,

W. T. COLLINS,

Managers for the Council.

Mr. Hughes moved

That the report be adopted, and

The ayes and nays being required, and

The roll being called, there were ayes, 11; nays, 10; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Hughes, Lawler, Smith, Weiser, Wells.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Mead, Sheldon of Hand, Washabaugh.

Absent and not voting:

Messrs. McCumber, Sheldon of Day, Mr. President.

So the motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, 5; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan, Galloway, Grigsby, Harstad, Hughes, Lawler, Mead, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Wells.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Foster, Martin, Washabaugh.

Absent and not voting:

Messrs. McCumber, Mr. President.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 269,

A bill for an act to amend section 104 of the Code of Civil Procedure,

Was read a third time and

The question being shall the bill pass and

The roll being called there were ayes, 16; nays, 2; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Donovan, Galloway, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Foster, Grigsby.

Absent and not voting:

Messrs. Collins, Ericson, Sheldon of Day, Smith, Weiser.
Mr. President.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 245,

A bill for an act to amend an act relating to assignees, to amend section 2,042 of title 3 of part 2 of the Civil Code,

Was read a third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 18; nays, 2; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge,

Donovan, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Weiser, Wells.

Those who voted in the negative were:

Messrs. Foster, Washabaugh.

Absent and not voting:

Messrs. Ericson, Sheldon of Hand, Smith, Mr. President.

So the bill passed, and

The question being as to its title

Mr. Mead moved

That it be amended by adding thereto the following "in relation to assignments for the benefit of creditors."

The motion prevailed and

The title as thus amended was agreed to.

Mr. Dodge moved

That the Council concur in the House amendments to Council Bill No. 236.

The motion prevailed.

Council Bill No. 324,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read a third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 18; nays, 0; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Galloway, Grigsby, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser.

Absent and not voting:

Messrs. Dodge, Foster, Harstad, Martin, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Collins moved

That the further consideration of Council Bill No. 312 be indefinitely postponed.

The motion prevailed.

Council Bill No. 300,

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate,

Was read a third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 12; nays, 2; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Ericson, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser.

Those who voted in the negative were:

Messrs. Bogert, Collins.

Absent and not voting:

Messrs. Cain, Campbell, Dodge, Donovan, Grigsby, McCumber, Mead, Smith, Wells, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Dodge submitted the following report:

MR. PRESIDENT:

Your committee to which was referred
Council bill No. 58,

A bill for an act to amend section 29 of chapter 21 of the Political Code in relation to the organization of counties and the appointment, election, powers and duties of county officers,

Beg leave to report as follows:

We recommend that the Council do concur in the House amendments to said bill.

W. E. DODGE,
Chairman.

Mr. Grigsby moved

That the report be adopted.

The motion prevailed.

The President in the chair.

Mr. McCumber moved

That further consideration of Council Bill No. 248 be indefinitely postponed.

The motion prevailed.

Mr. Grigsby moved

That the Council concur in the House amendments to Council Bill No. 241.

The motion prevailed.

Council Bill No. 286,

A bill for an act entitled an act relating to irrigation ditches,

Was read a third time and,

The question being, shall the bill pass, and

The roll being called there were ayes, 15; nays, 0; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Dodge, Ericson, Foster, Galloway, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Donovan, Grigsby, Hughes, Sheldon of Day, Smith, Weiser.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Dodge moved

That the Council concur in House amendments to Council Bill No. 58.

The motion prevailed.

Council Bill No. 242.

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code,"

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 14; nays, 0; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Collins, Donovan, Hughes, Sheldon of Day, Smith, Washabaugh, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No: 278,

A bill for an act entitled an act relative to the compen-

sation of physicians and surgeons giving expert testimony in any court in this Territory,

Was read a third time.

Mr. Ericson moved

That section 1 be amended by striking out the word "a" in line 2 and inserting in lieu thereof the words "any district."

The motion prevailed.

Mr. Ericson moved

That the report of the committee thereon be adopted.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Foster and Martin.

Absent and not voting:

Messrs. Bogert, Cain, Donovan, McCumber, Mead, Sheldon of Day, Smith, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 10, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,

House Bill No. 296,

A bill for an act to amend section 73 of chapter 28 of the Political Code.

House Bill No. 104,

A bill for an act for the cancellation of county warrants.

House Bill No 345.

Joint resolution—being an act to provide for the pay-

ment of Aaron Cheatham and John Ostland for hack hire during call of the House.

House Bill No. 282,

A bill for an act to prevent the giving of liquor to minors,

With the amendments attached to the bill.

House Bill No. 256.

A bill for an act to amend chapter ninety-nine (99) of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota.

And

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to purchase a time-lock safe for use of the office of territorial treasurer.

Also,

House Bill No. 312,

A bill for an act to amend section 1, of chapter 41, of the General Laws of 1883,

House Bill No. 343,

A bill for an act to amend section 1 of chapter 106 of the General Laws of 1881.

Which have passed the House and your favorable consideration is requested.

Respectfully

W. G. EAKINS,
Chief Clerk.

Mr. Ericson moved

That further consideration of Council Bill No. 272 be indefinitely postponed.

The motion prevailed.

Mr. Grigsby moved

That further consideration of Council Bill No. 289 be indefinitely postponed.

The motion prevailed.

Mr. Grigsby moved

That further consideration of Council Bill No. 233 be indefinitely postponed.

The motion prevailed

Mr. Ericson moved

That further consideration of Council Bill No. 225 be indefinitely postponed.

The motion prevailed.

Mr. Grigsby moved

That further consideration of Council Bill No. 55 be indefinitely postponed.

The motion prevailed.

Mr. Hughes moved

That further consideration of Council Bill No. 270 be indefinitely postponed.

The motion prevailed.

Mr. Ericson moved

That further consideration of Council Bill No. 6 be indefinitely postponed.

The motion prevailed.

Council Bill No. 330,

A bill for an act to provide when courts are opened for all purposes,

Was under a suspension of the rules read a first, second and third time, and

The question being shall the bill pass and

The roll being called, there were ayes, 16; nays, 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Dodge, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, Collins, Donovan, McCumber, Sheldon of Day, Smith, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Dodge moved

That the following be inserted as section 12 in Council Bill No. 219:

SEC. 12. The twelfth subdivision shall consist of the counties of Foster, Wells and Eddy. The district court in and for this subdivision shall be held at Carrington, in the county of Foster, at such time as the court may direct.

The motion prevailed.

Substitute for House Bill No. 305,

An act regulating the salaries of registers of deeds and county treasurers,

Was read a third time and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 3; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Sheldon of Hand, Smith, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Lawler, Washabaugh.

Absent and not voting:

Messrs. Hughes, McCumber, Mead, Sheldon of Day, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Galloway moved

That the vote just taken be reconsidered.

The motion was lost.

Council Bill No. 223,

A bill for an act to amend section 39 of chapter 23 of an act entitled, "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane, and for the organization of a board of insanity in each organized county in this Territory," of the Session Laws of 1879,

Was read a third time.

Mr. Smith moved

That the bill be amended by adding

SEC. 2. Upon the report of the superintendent provided in section 1, it shall be the duty of the attorney general to bring suit against the county so indebted for the amount due the Territory, and any judgment obtained in such action may be enforced as other judgments against counties are enforced.

The motion prevailed.

Mr. Ericson moved

That section 2 be stricken out.

The motion prevailed.

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays 3; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Ericson, Grigsby, Harstad, Hughes, Mead, Sheldon of Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Foster, Galloway.

Absent and not voting:

Messrs. Donovan, Lawler, Martin, McCumber, Sheldon of Day, Weiser.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell in the chair.

Mr. Hughes introduced—

Council Bill No. 331, and moved that the rules be suspended, that the bill be read a first, second and third time and put on its passage.

The motion prevailed.

Council Bill No. 331,

A joint resolution to appropriate funds to compensate the committee sent to confer with the Legislature of Montana,

Was read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Dodge, Ericson, Foster, Grigsby, Harstad, Hughes, Lawler, Mead, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Donovan, Galloway, Martin, McCumber, Sheldon of Day, Smith, Weiser, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Hughes introduced the following resolution.

Be it Resolved by the Council, the House of Representatives concurring:

That there be and hereby is appropriated out of any money in the treasury not otherwise appropriated, the sum of two hundred and fifty dollars annually for the incidental expenses of the executive office, and said sum shall be expended by the governor.

The ayes and nays being required, and

The roll being called there were ayes, 13; nays, 4: not voting, 7.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Campbell, Collins, Donovan, Galloway, Hughes, Lawler, Mead, Sheldon of Hand, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Allin, Ericson, Foster, Harstad.

Absent and not voting:

Messrs. Dodge, Grigsby, Martin, McCumber, Sheldon of Day, Weiser, Mr. President.

So the resolution was adopted.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred Council Bill No. 290,

A bill for an act providing insurance against hail and the mode of so insuring,

Wish to report back the same without recommendation.

T. O. BOGERT,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance to whom was referred Council Bill No. 306,

A bill for an act in relation to insurance corporations,

Beg leave to report the following amendment, and with such amendment they recommend the bill do pass.

T. O. BOGERT,
Charman.

Amend by striking out section 1 and inserting the following:

SEC. 1. That section 16 of chapter 69 of the laws passed by the Sixteenth Legislative Assembly be and the same is hereby amended so as to read as follows:

SEC. 16. Every insurance company doing business in this Territory must transmit to the territorial auditor a statement of its condition and business for the year ending on the preceding thirty-first day of December, which shall be rendered on the first day of January, in each year, or within one month thereafter, except that foreign insurance companies shall transmit their statement of business, other than that taken in the United States, prior to the following first of May. Such statement must be published at least three times in a newspaper having a bona fide circulation of at least three hundred copies, printed and published in each judicial district of this Territory in which said insurance company shall have an agency, and a duplicate thereof, upon which shall be indorsed the names of the attorneys on whom process of law can be served as required by this act, shall be filed in the office of register of deeds of the county wherein the agency may be established; but the provisions of this section as to the appointment of attorneys shall not apply to companies organized within the Territory. Statements for publication shall be made out on blanks furnished by the territorial auditor, and the Territorial Auditor's certificate of authority for the company to do business in this Territory shall be published in connection with the said statement of each company doing business in this Territory. Proof of publication, to-wit: the printer's affidavit of the fact, which shall contain a statement that the newspaper has a bona fide circulation of at least three hundred copies, shall be filed with the Territorial Auditor in all cases."

The committee recommends that the bill pass as amended.

Mr. Hughes moved

That the Council adjourn until 10 o'clock to-morrow morning.

The motion prevailed and

Mr. Campbell in the chair announced that the Council stood

Adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

SIXTIETH DAY.

BISMARCK, March 11, 1887.

The Council met pursuant to adjournment, and was called to order by the president in the chair. After

Prayer by the chaplain,

The roll was called and the members all responded to their names.

Mr. Hughes moved

That the rules be suspended and that the Council proceed to the consideration of House Bills.

The motion prevailed.

Mr. Hughes moved

That the further consideration of House Bill No. 21 be indefinitely postponed.

The motion prevailed.

House Bill No. 315,

A bill for an act regulating abstractors and others making abstracts of the title to real estate,

Was read a third time.

Mr. Dodge moved that the bill be amended,

By striking out lines two (2) and three (3) in section 4 of the printed bill and substituting therefor, after the word "title" in the first line of section 4 of the printed bill, the following:

"One dollar for the first entry and twenty-five cents for each additional entry."

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 3; not voting, 9.

Those voting in the affirmative were:

Messrs. Allin, Campbell, Ericson, Grigsby, Hughes, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Dodge, Lawler.

Absent and not voting:

Messrs. Cain, Collins, Donovan, Foster, Galloway, Harstad, Martin, Mead, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

Was read a third time.

The question being, shall the bill pass, and

The roll being called, there were ayes, 10; nays, 4; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Ericson, Grigsby, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Dodge, Harstad, Hughes.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Donovan, Foster, Galloway, Martin, Mead, Smith, Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Was read a third time.

Mr. Allin moved

That the bill be amended by adding to section 7:

Provided, always that no such taxes except for school purpose shall be levied and collected on unplatted land used for agricultural purposes including farm buildings, stock, machinery and products thereon, which may be located within the limits of any incorporated city, town or village.

That sections 7 and 8 of printed bill be numbered 8 and 9.

The motion was lost.

Mr. Grigsby moved

That the bill be amended by striking out "two" in line 1, section 2, and inserting "four" and by striking out \$1,500 in line 2. section 6, and inserting \$3,000.

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out of line 2, section 3. the word "ten" and inserting "twenty."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 1; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Galloway, Grigsby, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Wells, Mr. President.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Foster, Harstad, Martin, Mead, Smith, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Weiser from the Committee on Cities and Municipal Corporations reported

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundary of wards,

Without recommendation.

Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104, of the General Laws of 1883.

Was read a third time.

Mr. Grigsby moved the previous question.

Mr. Cain moved a call of the house.

Which was ordered, when
Mr. Hughes moved
That further proceedings under the call be dispensed
with, and the
Ayes and nays being required and
The roll being called there were ayes, 11; nays, 7;
not voting, 6.

Those who voted in the affirmative were:
Messrs. Allin, Campbell, Dodge, Galloway, Grigsby,
Hughes, Lawler, Martin, McCumber, Sheldon of Day,
Weiser.

Those who voted in the negative were:
Messrs. Cain, Ericson, Mead, Sheldon of Hand, Washa-
baugh, Wells, Mr. President.

Absent and not voting:
Messrs. Bogert, Collins, Donovan, Foster, Harstad, Smith.
So the motion prevailed.

Mr. Cain moved
That the Council adjourn, and the ayes and nays being
required, and

The roll being called there were ayes, 5; nays, 14; not
voting, 5.

Those who voted in the affirmative were:
Messrs. Cain, Ericson, Mead, Sheldon of Hand, Wells.

Those who voted in the negative were:
Messrs. Allin, Campbell, Dodge, Donovan, Galloway,
Grigsby, Harstad, Hughes, Lawler, Martin, McCumber,
Sheldon of Day, Weiser, Mr. President.

Absent and not voting:
Messrs. Bogert, Collins, Foster, Smith, Washabaugh.

So the motion was lost.

Mr. Ericson moved a call of the house,
Which was seconded, when
Mr. McCumber moved
That further proceedings under the call be dispensed
with, and

The ayes and nays being required, and
The roll being called there were ayes, 15; nays, 7; not
voting, 2.

Those who voted in the affirmative were:
Messrs. Allin, Campbell, Collins, Dodge, Donovan, Foster.

Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Ericson, Martin, Mead, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:

Messrs. Bogert, Smith.

So the motion prevailed.

Mr. Dodge moved

The previous question, and

The ayes and nays being required, and

The roll being called there were ayes 12; nays 8; not voting 4.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Weiser.

Those who voted in the negative were:

Messrs. Cain, Ericson, Foster, Mead, Sheldon of Hand Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Donovan, Martin, Smith.

So the motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 15; nays, 9; not voting, 0.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Donovan, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Smith, Weiser.

Those who voted in the negative were:

Messrs. Bogert, Cain, Ericson, Foster, Mead, Sheldon of Hand, Washabaugh, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That the vote last taken be reconsidered and that the motion to reconsider be laid on the table, and

The ayes and nays being required, and

The roll being called there were ayes, 13; nays, 10; not voting, 1.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Galloway, Grigsby, Harstad, Hughes, Lawler, McCumber, Sheldon of Day, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Bogert, Cain, Ericson, Foster, Martin, Mead, Sheldon of Hand, Smith, Washabaugh, Wells.

Absent and not voting:

Mr. Donovan.

So the latter motion prevailed.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report

Council Bills Nos. 194, 219, 241, 58, 91, 37, and 227

Properly enrolled.

C. D. MEAD,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 134,

A bill for an act to provide for the printing, publishing, and other current and necessary expenses of the office of the Commissioner of Immigration.

Also,

Council Bill No. 204,

A joint resolution relative to a division of the Territory and the admission of each half into the Union,

Which the House has passed without amendment.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Which has passed the House with the following amendment:

Strike out the words "and bridge" wherever they occur in the body and title of the bill.

Also,

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto,

Which the House has amended as follows:

Strike out the words "two hundred" where they occur in line 6, section 6, and insert in lieu thereof the word "fifty;" and after the word "dollars" in line 7, the words "for each and every elevator operated."

Strike out all after the word "same" in line 14, section 6.

Also,

Council Bill No. 195,

A joint resolution to reimburse Legislative officers for expenses incurred in the organization of the Legislative Assembly,

Which has been amended as follows:

"There is also appropriated the same sum of sixty-eight dollars to reimburse and pay for similar services of J. G. Hamilton at the organization of the House of Representatives of the Seventeenth Session."

Also,

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition,

Which has been amended as follows:

Strike out all of section 1 and insert the following as section 1 of said bill:

SEC. 1. The auditor of the Territory is hereby authorized and empowered to hear, determine and to audit a certain claim and demand against the Territory of Dakota

and in favor of Joanna Milton for services rendered the Territory as commissioner for Dakota at the women's department at the World's exposition, held at New Orleans in the years 1884 and 1885, and the said auditor is empowered to issue his warrant upon the territorial treasurer for the amount found due her, not exceeding the sum of four hundred and fifty (\$450) dollars, and the treasurer is directed to pay the amount mentioned in such warrant out of any money in the treasury not otherwise appropriated; provided, said sum so appropriated shall be returned to the general fund whenever any property left over from the exhibits of said exposition, and now belonging to the Territory, shall be sold by order of the governor.

Which the House has passed as amended, and your concurrence therein is respectfully requested.

I also return herewith
Council Bill No. 163.

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Which has passed the House as amended by the Council.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Galloway moved

That the Council concur in the amendments made by the House to Council Bill No. 268.

The motion prevailed.

Mr. Hughes moved

That the Council concur in the amendments made by the House to Council Bill No. 2.

The motion prevailed.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report properly enrolled

Council Bills Nos. 20 and 236.

C. D. MEAD,
Chairman.

Mr. Cain moved

That the Council concur in the amendments of the House to Council Bill No. 213, and

The ayes and nays being required, and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Wells.

Absent and not voting:

Messrs. Collins, Dodge, Grigsby, Harstad, Mead, Smith, Washabaugh, Weiser, Mr. President.

So the motion prevailed.

House Bill No. 159, (Substitute,)

A bill for an act creating the counties of Pierce and Church and defining the boundaries of the counties of "Bottineau," "Rolette," "McHenry," and "Sheridan," and for other purposes.

Was read a third time.

Mr. Ericson moved

That section 5 be amended by adding thereto the following:

Provided, that in all organized counties affected by the provisions of this act, a special election of the duly qualified voters thereof shall be held on the date fixed by law for the annual school election; notice thereof to be given by the board of county commissioners in the same manner as prescribed by law in the case of general elections, and such election shall in all respects be conducted as general elections are. At such election the question to be submitted shall be upon the re-arrangement of county boundaries and the ballots used at such election shall be printed or written upon white paper and shall contain the words "For re-arrangement of county boundaries" or "Against re-arrangement of county boundaries."

The vote cast at such election shall be canvassed, certified and returned in the same manner as at general elections. If a majority of all the votes cast in any county at such election be "Against re-arrangement of county boundaries" then the boundaries of such county shall remain as existing prior to the passage of this act and the provisions of this act relative to re-arrangement of county boundaries shall not apply to such county or counties voting against such re-arrangement.

The motion was lost.

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 5; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Foster, Galloway, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Dodge, Ericson, Grigsby, Harstad, Martin.

Absent and not voting:

Messrs. Cain, Collins, Donovan, Mead, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

House Bill No. 335,

A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 10; nays, 7; not voting, 7.

Those who voted in the affirmative were:

Messrs. Dodge, Foster, Galloway, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Bogert, Cain, Ericson, Grigsby, Harstad, Martin.

Absent and not voting:

Messrs. Campbell, Collins, Donovan, Mead, Smith, Washabaugh, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 227, 37, 91, 58, 241, 219, 194, 295, 20 and 236

Deposited with His Excellency Governor L. K. Church, March 11, 1887, at 11:30 a. m.

C. D. MEAD,
Chairman.

Mr. Sheldon of Day, moved
That the Council concur in the amendments made by
the House to Council Bill No. 195.

The motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received from His Ex-
cellency the Governor:

EXECUTIVE OFFICE, {
BISMARCK, March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have ap-
proved the following Council Bills, viz:

Council Bill No 266,

An act to amend section 5 of chapter 52 of the General
Laws of 1879, entitled "An act authorizing the appoint-
ment of shorthand reporters for the district courts of the
Territory."

Council Bill No. 267,

An act entitled an act to amend an act entitled an act
to provide for the appointment of a county clerk for Yank-
ton County, and to define his duties.

Council Bill No. 189,

An act reviving and making operative in certain coun-
ties, sections 1,098 and 1,100 of the Civil Code, entitled
"Loan of money."

Council Bill No. 184,

An act permitting the construction of bridges over navi-
gable rivers and providing the manner of paying for the
same.

Council Bill No. 263,

An act to amend chapter 75 of the General Laws of
1883, in regard to drainage, as amended by chapter 47 of
the General Laws of 1885.

Council Bill No. 238,

An act to provide an allowance to the Justices of the
Supreme Court of the Territory of Dakota, to defray their
traveling expenses, etc.,

Council Bill No. 275,

An act entitled "an act to provide for the government
of the agricultural college and experimental station for
the Territory of Dakota.

Council Bill No. 218,

An act to authorize railroad companies to appoint police officers.

Council Bill No. 174,

An act to reimburse and pay George Lilly for money advanced to complete a portion of certain public buildings.

Council Bill No. 217,

An act to amend section 1, of chapter 134 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs."

Council Bill No. 313,

An act amending chapter 26 of the Special Laws of 1883 and repealing portions of chapter 56 of the Laws of 1881, relating to the government and maintenance of the School of Deaf Mutes.

Council Bill No. 294,

An act for the maintenance of the public offices of the Territory.

Council Bill No. 249,

An act defining the boundaries of Cavalier county, and for other purposes.

Council Bill No. 125,

An act providing for certain legal printing and fixing the compensation therefor.

Council Bill No. 224,

An act to provide funds for the construction and furnishing of a Metallurgical Laboratory for the School of Mines at Rapid City, Dakota, and for other purposes.

Council Bill No. 229,

An act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls and for other purposes.

Council Bill No. 251.

An act to appropriate funds to pay expenses incurred by Territorial Militia at encampment held at Fargo, D. T., in September, 1885.

Council Bill No. 150,

An act to amend sections 2, 3, 4, 5, 8, 9, and 19 of chapter 34 of the Laws of 1885, entitled "an act to provide for the incorporation and regulation of building and loan associations."

Council Bill No. 107,

An act to remove the disabilities of Heinrich Muchow and restore him to citizenship.

Council Bill No. 257,

An act providing for the distribution of the Dakota supreme court reports.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College, and an appropriation therefor,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 12; nays, 3; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Foster, Galloway, Grigsby, Lawler, Martin, McCumber, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Bogert, Ericson, Washabaugh.

Absent and not voting:

Messrs. Cain, Donovan, Harstad, Hughes, Mead, Sheldon of Day, Smith, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Grigsby introduced—

Council Bill No. 331,

And moved that the rules be suspended, the bill be read a first, second and third times and put on its passage.

The motion prevailed.

Council Bill No. 331,

A joint resolution to appropriate funds to compensate the committee sent to confer with the committee of the legislature of Montana,

Was read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes, 10; nays, 4; not voting, 10.

Those who voted in the affirmative were:
Messrs. Campbell, Collins, Dodge, Foster, Grigsby, Harstad, Lawler, Mead, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:
Messrs. Allin, Galloway, Martin, McCumber.

Absent and not voting:
Messrs. Bogert, Cain, Donovan, Ericson, Hughes, Smith, Washabaugh, Weiser, Wells, Mr. President.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards.

Was read a third time, and
The question being shall the bill pass, and
The roll being called, there were ayes, 7; nays, 8; not voting, 9.

Those who voted in the affirmative were:
Messrs. Ericson, Foster, Grigsby, Lawler, McCumber, Weiser, Wells.

Those who voted in the negative were:
Messrs. Allin, Campbell, Dodge, Galloway, Harstad, Martin, Sheldon of Day, Sheldon of Hand.

Absent and not voting:
Messrs. Bogert, Cain, Collins, Donovan, Hughes, Mead, Smith, Washabaugh, Mr. President.

So the bill was lost.

House Bill No. 248,

A bill for an act for the protection of game,
Was read a third time.

Mr. Ericson moved

That the bill be amended by striking out the words in section 2: "or wild duck or goose or brant."

The motion was lost.

Mr. Donovan moved

That the bill be amended by striking out "May 1st." and inserting in lieu thereof "May 15th," in section 2.

The motion prevailed.

Mr. Galloway moved

That further consideration of the bill be indefinitely postponed.

The motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 11; nays, 6; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Grigsby, Lawler, Martin, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Bogert, Dodge, McCumber, Sheldon of Day, Washabaugh, Wells.

Absent and not voting:

Messrs. Collins, Galloway, Harstad, Hughes, Mead, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Sheldon moved

That the Council concur in the amendments of the House to Council Bill No. 195, and

The ayes and nays being required, and

The roll being called there were, ayes, 11; nays, 3; not voting, 10.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Dodge, Ericson, Foster, Grigsby, Lawler, Martin, McCumber, Sheldon of Hand, Weiser.

Those who voted in the negative were:

Messrs. Allin, Sheldon of Day, Washabaugh.

Absent and not voting:

Messrs. Cain, Collins, Donovan, Galloway, Harstad, Hughes, Mead, Smith, Wells, Mr. President.

So the motion prevailed.

House Bill No. 215,

A bill for an act regulating procurement of chattel mortgages in connection with application for insurance, and providing a penalty for violation,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 1; not voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Donovan, Harstad, Mead, Smith, Weiser, Wells, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Bogert moved

That further consideration of House Bill No. 8 be indefinitely postponed.

The motion prevailed.

Mr. Hughes moved

That the vote last taken be reconsidered.

Mr. Grigsby moved

That the motion to reconsider lie on the table, and

The ayes and nays being required, and

The roll being called, there were ayes, 14; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Dodge, Donovan, Foster, Grigsby, Harstad, Hughes, Martin, McCumber, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Cain, Lawler.

Absent and not voting:

- Messrs. Campbell, Collins, Ericson, Galloway, Mead, Smith, Sheldon of Day, Mr. President.

So the motion was laid on the table.

Mr. Bogert moved

That further consideration of House Bill No. 49 be indefinitely postponed, and

The ayes and nays being required, and

The roll being called, there were ayes, 11; nays, 6; not voting, 7.

Those who voted in the affirmative were:

Messrs. Bogert, Dodge, Donovan, Galloway, Grigsby, Hughes, Lawler, McCumber, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Cain, Foster, Harstad, Martin, Sheldon of Hand.

Absent and not voting:

Messrs. Campbell, Collins, Ericson, Mead, Sheldon of Day, Smith, Mr. President.

So the motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 113,

A bill for an act entitled "An act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory,"

Also,

Council Bill No. 262,

A joint resolution and memorial to Congress, for the division of the Bismarck Land District,

Also,

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations,

Which have passed the House without amendment.

Also,

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fires in buildings use for public assemblages,

Which the House has amended as follows:

Section 4 of said bill to read as follows: "All factories, public halls, hotels and all other buildings in which large numbers of people congregate which are two or more stories in height shall be provided by the owners thereof with two or more fire escapes placed within easy access of the occupants of said buildings."

That section "4" of the bill, as printed, shall be section "5."

Also.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881,

Which has been amended as follows:

Strike out the word "sessions" wherever it occurs in said bill and insert in lieu thereof the words "special and private."

Strike out the words, "section 1" where they occur, and insert thereafter the enacting clause, and before the word "that."

And your concurrence in said amendments is respectfully requested.

Also,

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112 of the General Laws of 1883, of Dakota,

Also,

Substitute for House Bills Nos. 83, 99, 45 and 12,

A bill for an act fixing the time and manner in which taxes on real and personal shall be paid and amending sections 6, 7 and 8 of chapter 49 of the General Laws of 1879, and section 5 of chapter 28 of the Political Code,

Which have passed the House and your favorable consideration is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Grigsby moved

That further consideration of House Bill No. 289 be indefinitely postponed.

The motion prevailed.

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Was read a third time.

Mr. Dodge moved

That its further consideration be indefinitely postponed.

The motion was lost.

Mr. Bogert moved

That section 1 be amended by striking out 500 in line 4, and inserting 5,000 in lieu thereof.

The motion prevailed.

Mr. Bogert moved

That section 11 be amended to read as follows:

Section 11. This act shall take effect and be in force from and after January 1, 1889.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 11; nays, 11; not voting, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Martin, Sheldon of Hand, Smith.

Those who voted in the negative were:

Messrs. Bogert, Campbell, Dodge, Hughes, Lawler, McCumber, Mead, Sheldon of Day, Washabaugh, Weiser, Wells.

Absent and not voting:

Mr. Harstad, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 281,

A bill for an act to amend section 61, chapter 28, of the Political Code, entitled "Revenue,"

Which the House has amended by striking out the word "legislature" where it occurs in the enacting clause and insert in lieu thereof the words "Legislative Assembly" and as so amended passed the House and your concurrence requested.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Ericson moved

That the Council concur in the amendments made by the House to Council Bill No. 281.

The motion prevailed.

The President in the chair.

Mr. Foster moved

That the Council concur in House amendments to Council Bill No. 124.

The motion prevailed.

Mr. Foster moved

That the Council concur in House amendments to Council Bill No. 75.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 334,

A bill for an act to change the place of county seats,
Which the House has passed and your favorable consideration is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Galloway moved

That the Council go into executive session.

The motion prevailed.

The chamber was cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened
House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing the amount of license for the sale of intoxicating liquors,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 9; nays, 4; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Ericson, Grigsby, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Bogert, Donovan, Mead, Mr. President.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Dodge, Foster, Galloway, Harstad, Hughes, McCumber, Smith, Washabaugh.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 176,

A bill for an act to reimburse and pay Geo. W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings,

Also,
Council Bill No. 103,

A bill for an act entitled "an act to repeal an act to amend the charter of the city of Elk Point, Union county," approved March 19, 1885,

Which have passed the House without amendment.

Respectfully
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 330,

A bill for an act to provide when courts are opened for all purposes,

Which has passed the House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 349.

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of health of persons and animals, and for other purposes,"

And

Joint resolution No. 351,

Providing for the payment of the Committee to visit the Penal and Charitable Institutions, and the committee that visited Montana,

Which have passed the House and your favorable consideration is requested.

Respectfully,
 W. G. EAKINS,
 Chief Clerk.

Mr. Donovan moved

That the rules be suspended and that the House Bills now on their first reading be read a first and second time by their titles.

The motion prevailed, and
 House Bill No. 104,

A bill for an act for the cancellation of county warrants.

Also,

House Bill No. 312,

A bill for an act to amend section 1, of chapter 31, of the General Laws of 1883,

Also,

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to purchase a time-lock safe for use of the office of territorial treasurer,

Also,

House Bill No. 351,

A joint resolution to provide for the payment of mileage of joint committees.

Also,

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112, of the General Laws of 1883, of Dakota,

Also,

House Bill No. 343,

A bill for an act to amend section 1 of chapter 106 of the General Laws of 1881,

Also,

House Bill No. 296,

A bill for an act to amend section 73 of chapter 28 of the Political Code,

Also,

House Bill No. 282,

A bill for an act to amend section 726 of the Penal Code of the Territory of Dakota,

Also,

House Bill No. 349,

An act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals and for other purposes,

Were so read for information.

House Bill No. 281,

A bill for an act to legalize the acts of Allen M. Chaney as notary public,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Ericson, Galloway, Grigsby, Harstad, Lawler, Martin, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Foster, Hughes, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars to reimburse John Nagle of the county of Burleigh, Dakota Territory, for money deducted from his salary as guard at the North Dakota Penitentiary, during the year 1886, for the expenses of retaking an escaped convict,

Was read a third time, and

The question being shall the bill pass and
The roll being called there were ayes, 15; nays, 2; not
voting, 7.

Those who voted in the affirmative were:
Messrs. Allin, Bogert, Collins, Ericson, Galloway, Grigs-
by, Harstad, Hughes, Lawler, McCumber, Mead, Sheldon
of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:
Messrs. Martin, Washabaugh.

Absent and not voting:
Messrs. Cain, Campbell, Dodge, Donovan, Foster, Shel-
don of Day, Smith.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I transmit herewith concurrent resolution recalling
House Bill No. 284 from the governor, which the House
has passed, and your favorable consideration desired.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

House Bill No. 352.

A joint resolution recalling House Bill No. 284 from the
governor,

Was, on motion of Mr. Washabaugh, under a suspension
of the rules,

Read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes, 17; nays, 0;
not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Ericson, Foster, Galloway, Grigsby,
Harstad, Hughes, Lawler, Martin, McCumber, Mead, Shel-
don of Day, Sheldon of Hand, Washabaugh, Wells, Mr.
President.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Dodge, Donovan, Smith, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Was read a third time and

The question being shall the bill pass, and

The roll being called there were ayes, 18; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Bogert.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Donovan, Smith.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No 345,

Joint resolution—being an act to provide for the payment of Aaron Cheatham and John Ostland for hack hire during call of the House,

Was read a third time and,

The question being, shall the bill pass, and

The roll being called there were ayes, 12; nays, 7; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Weiser.

Those who voted in the negative were:

Messrs. Bogert, Donovan, Ericson, Smith, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Collins, McCumber, Mead, Sheldon of Hand.

So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

House Bill No. 225,

A bill for an act to provide for meetings of the township
boards of supervisors, and defining the duties of the same,
Was read a third time,

Mr. Ericson moved

That the report of the Committee on Counties thereon be
adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 17; nays, 0; not
voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Donovan, Ericson, Fos-
ter, Galloway, Grigsby, Harstad, Hughes, Lawler, Shel-
don of Day, Sheldon of Hand, Washabaugh, Weiser,
Wells, Mr. President.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Martin, McCumber, Mead,
Smith.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

Council Bill No. 284,

A bill for an act to ratify acts of loan companies and
building and loan associations, and to provide for their
further existence without re-incorporation,

Was read a third time.

Mr. Dodge moved

That the bill be amended as follows:

Strike out the words "Code of Civil Procedure" wherever
they occur in said bill, and insert "Civil Code."

Insert after the words "chapter 3," wherever they occur
in said bill, the words "title two—part three."

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 1; not
voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Galloway,

Hughes, Lawler, Martin, Sheldon of Hand, Smith, Weiser.
Wells, Mr. President.

Those voting in the negative were:

Mr. Grigsby.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Ericson, Foster, Harstad,
McCumber, Mead, Sheldon of Day, Washabaugh.

So the bill passed and

The question being as to its title

Mr. Washabaugh moved

That its title be amended to conform to the body of the
bill.

The motion prevailed and

The title as amended was agreed to.

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the
General Laws of 1883, relating to the drawing of jurors by
township supervisors,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were, ayes, 8; nays, 8; not
voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Donovan, Ericson, Galloway, Harstad,
Hughes, Weiser, Mr. President.

Those who voted in the negative were:

Messrs. Cain, Campbell, Grigsby, Lawler, Martin, Smith,
Washabaugh, Wells.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Foster, McCumber, Mead,
Sheldon of Day, Sheldon of Hand.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of
the Political Code, entitled "Revenue,"

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 15; nays, 0; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster, Harstad, Hughes, Lawler, Martin, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Galloway, Grigsby, McCumber, Mead, Sheldon of Day, Sheldon of Hand.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 198.

A bill for an act authorizing the incorporation of banking associations and for regulating the same,

Which has passed the House with the following amendments, to-wit:

Strike out the word "insanity" in line 20, section 5, and insert in lieu thereof the word "incapacity."

Strike out all in section 5 after line 4, and insert in lieu thereof the following:

"Shall be subject to the same penalties and forfeitures as is now or may hereafter be prescribed by law."

Strike out section 16.

Number section 17 section 16, section 18 number 17, and section 19 number 18.

And your concurrence in the same is asked.

Very Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 346,

A bill for an act to amend section 1 of chapter 99 of the Laws of 1883,

Which has this day passed the House. and your concurrence is asked in the same.

Also,

Council Bill No. 170,

A bill for an act to amend an act entitled "An act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district, No. 1, Richland county, Dakota Territory. Approved March 13th, 1885,

Which has also passed the House without change.

Respectfully,

W. G. EAKINS,

Chief Clerk.

House Bill No. 157,

A joint resolution to pay for chairs for use of the ladies visiting the capitol,

Was read a third time.

Mr. Campbell moved

That the report of the Committee on Territorial Affairs thereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 18; nays, 0; not voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Ericson, Foster, Galloway, Harstad, Hughes, Martin, McCumber, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Dodge, Grigsby, Lawler, Mead, Sheldon of Hand.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report properly enrolled

Council Bills Nos. 213, 281, 268, 134, 204, 195, 163.

C. D. MEAD,

Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report

Council Bills Nos. 213, 281, 268, 134, 204, 195, 163,
Delivered to his Excellency, Governor L. K. Church,
March 11, 1887, at 3 p. m.

C. D. MEAD,
Chairman.

Mr. Grigsby moved

That the Council concur in the House amendments to
Council Bill No. 198.

The motion prevailed.

Mr. Campbell moved

That further consideration of House Bill No. 71 be in-
definitely postponed.

The motion prevailed.

Mr. Ericson moved

That further consideration of House Bill No. 228 be in-
definitely postponed.

The motion prevailed.

House Bill No. 273,

A memorial to Congress, praying for the construction of
a dam for the improvement of navigation of the Red river.

Was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 15; nays, 1; not
voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Ericson, Foster, Grigsby,
Harstad, Hughes, Lawler, McCumber, Mead, Sheldon of
Day, Smith, Weiser, Mr. President.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Donovan, Galloway, Shel-
don of Hand, Washabaugh, Wells.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

Mr. Campbell in the chair.

House Bill No. 224,

A bill for an act to amend subdivision 1 and 2 of section 5 of chapter 84 of the General Laws of 1881,

Was read a third time and

The question being shall the bill pass and

The roll being called there were ayes, 19; nays, 0; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Smith, Weiser, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Mead, Washabaugh, Wells.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSS.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith,

Council Bill No. 329,

A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,

Which the House has passed without change.

Respectfully,

W. G. EAKINS,

Chief Clerk.

House Bill No. 298,

A bill for an act to provide for the purchase of books for the Territorial Library, and for the care and custody of the same,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 11; nays, 5; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Dodge, Ericson, Grigsby, Hughes, Lawler, McCumber, Sheldon of Day, Sheldon of Hand.

Those who voted in the negative were:

Messrs. Donovan, Foster, Galloway, Harstad, Mead.

Absent and not voting:

Messrs. Cain, Collins, Martin, Smith, Washabaugh,
Weiser, Wells. Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the
General Laws of 1883,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 0; not
voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Ericson, Gal-
loway, Grigsby, Harstad, Lawler, Martin, McCumber, Shel-
don of Day, Sheldon of Hand, Washabaugh, Weiser,
Wells.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Foster, Hughes, Mead,
Smith, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 269,

A joint resolution for the appointment of a joint com-
mittee on apportionment,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 15; nays, 0; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson,
Galloway, Lawler, Martin, McCumber, Sheldon of Day,
Smith, Washabaugh, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Collins, Foster, Grigsby, Harstad,
Hughes, Mead, Sheldon of Hand, Mr. President.

So the bill passed and

The question being as to its title being put,

Its title was agreed to.

Mr. Washabaugh moved

That the committee thus provided for be now appointed.

The motion prevailed.

The President appointed as such committee Messrs. Washabaugh and Sheldon of Day.

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundary of wards,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 12; nays, 1; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Ericson, Galloway, Grigsby, Lawler, Martin, McCumber, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Mr. Dodge.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Donovan, Foster, Harstad, Hughes, Mead, Sheldon of Day, Smith, Washabaugh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112 of the General Laws of 1883, of Dakota.

Was read a third time and,

The question being shall the bill pass, and

The roll being called, there were ayes, 15; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Ericson, Galloway, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Foster, Grigsby, Harstad, Hughes, Mead, Smith.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Was read a third time, and

The question being shall the bill pass and

The roll being called there were ayes, 11: nays, 4: not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Collins, Dodge, Lawler, Martin, McCumber, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Donovan, Ericson, Galloway, Washabaugh.

Absent and not voting:

Messrs. Bogert, Cain, Foster, Grigsby, Harstad, Hughes, Mead, Smith, Mr. President.

So the bill passed, and

The question being as to its title

Its title was agreed to.

Mr. Weiser moved

That the Committee on Railroads be excused from further consideration of House Bill No. 2.

The motion prevailed.

Mr. Ericson moved

That that committee be instructed to at once report House Bill No. 2 to the Council, and

The ayes and nays being required, and

The roll being called there were ayes, 13: nays, 6: not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Donovan, Ericson, Harstad, Martin, McCumber, Mead, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Dodge, Galloway, Grigsby, Lawler, Sheldon of Day, Washabaugh.

Absent and not voting:

Messrs. Cain, Collins, Foster, Hughes, Smith.

So the motion prevailed.

The President in the chair.

Mr. Bogert moved
 That the order of business be suspended and that
 Council Bill No. 115,
 A bill for an act entitled "an act for the assessment and
 taxation of railroad companies,
 Be considered, and
 The ayes and nays being required, and
 The roll being called there were ayes, 9; nays, 10: not
 voting, 5.

Those who voted in the affirmative were:
 Messrs. Allin, Bogert, Campbell, Ericson, Harstad, Mar-
 tin, Mead, Sheldon of Hand, Mr. President.

Those who voted in the negative were:
 Messrs. Dodge, Donovan, Galloway, Grigsby, Lawler,
 McCumber, Sheldon of Day, Washabaugh, Weiser, Wells.

Absent and not voting:
 Messrs. Cain, Collins, Foster, Hughes, Smith.
 So the motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES, }
 March 11, 1887. }

MR. PRESIDENT:

I return herewith
 Council Bill No. 326,
 A bill for an act to amend section 1 of chapter 48 of the
 Special Laws of 1885, entitled "an act to provide for pay-
 ment of clerical work in the executive office."

Also,
 Council Bill No. 325.

A bill for an act to amend chapter 103 of the Session
 Laws of 1883, relating to the territorial treasurer, entitled
 "an act to amend section 3 of chapter 39 of the Political
 Code and section 1 of chapter 133 of the Session Laws of
 Dakota Territory of 1881,"

Which have passed the House without change.

I also transmit
 House Bill No. 342,

A bill for an act to establish a public school law for Da-
 kota Territory.

Which has passed the House, and your favorable consideration asked.

Respectfully,
W. G. EAKINS,
Chief Clerk.

House Bill No. 147,

A bill for an act entitled "an act to provide seed grain and assistance to those whose crops were destroyed in 1886."

Was read a third time.

Mr. Sheldon of Day, moved

That the further consideration of bill be indefinitely postponed, and

The ayes and nays being required, and

The roll being called there were ayes, 7; nays, 9; not voting, 8.

Those who voted in the affirmative were:

Messrs. Donovan, Ericson, Galloway, Grigsby, McCumber, Sheldon of Day, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Bogert, Campbell, Harstad, Martin, Mead, Sheldon of Hand, Wells. Mr. President.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Foster, Hughes, Lawler, Smith, Weiser.

So the motion was lost.

Mr. Ericson moved

That the bill be amended as follows:

Amend lines 4 and 5 by striking out the words "and assistance."

By striking out "or assistance" in line 4, section 2.

By striking out the words "and assistance" in lines 10 and 11, section 2.

By inserting "as fixed by such commission" after word "act" in line 14, section 2.

By adding to section 4 the words "nor expenses to exceed in the aggregate \$1,000."

By striking out "assistance" in lines 3 and 4, section 6, and inserting "and seed grain."

By striking out "and assistance" in line 9, section 6.

By striking out "or assistance" in line 1, section 7.

By striking out "and assistance" in title.

The motion prevailed.

Mr. Collins moved

That the further consideration of the bill be indefinitely postponed.

The ayes and nays being required, and

The roll being called there were ayes, 11; nays, 12; not voting, 1.

Those who voted in the affirmative were:

Messrs. Bogert, Cain, Collins, Donovan, Ericson, Grigsby, McCumber, Sheldon of Day, Smith, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dodge, Galloway, Harstad, Hughes, Lawler, Martin, Mead, Sheldon of Hand, Weiser, Wells.

Absent and not voting:

Mr. Foster.

So the motion was lost.

Mr. Ericson moved

That the bill be amended as follows:

Strike out all after "taxes" in line 17, section 2, to "should" in line 18, section 2.

And add to section 2 the following:

Provided further that each county, whose citizens receive aid under the provisions of this act, shall be liable to the Territory for such amount, which shall be charged up against such county, and a tax shall be levied by the Territorial Board of Equalization upon the property of such county at the time and in the the manner other taxes are levied, sufficient to reimburse the Territory for such amount. And provided further that not to exceed five thousand shall be expended in any one county under the provisions of this act.

The motion prevailed.

Mr. Donovan moved

That the bill be amended by striking out the word "first" in line 11 of section 6 and inserting in lieu thereof the word "fifteenth."

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out "an amount necessary to seed not to exceed forty acres." in lines 12

and 13, section 2, and inserting in lieu thereof the words "forty bushels."

The motion prevailed.

Mr. Bogert in the chair.

Mr. Campbell moved

The previous question, which was ordered and

The question being shall the bill pass and

The roll being called there were ayes, 16; nays, 5; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Ericson, Galloway, Harstad, Hughes, Martin, Mead, Sheldon of Day, Sheldon of Hand, Weiser, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Grigsby, Lawler, Smith, Washabaugh.

Absent and not voting:

Messrs. Bogert, Foster, McCumber.

So the bill passed, and

The question being as to its title and being put.

Its title was agreed to.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Was read a third time.

Mr. Collins moved

That its further consideration be indefinitely postponed.

The motion prevailed.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Railroads, to whom was submitted House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

And

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Report the same without recommendation.

W. T. COLLINS,
Chairman.

EXECUTIVE COMMUNICATION.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 236,

An Act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota.

Council Bill No. 91.

An Act to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.

Council Bill No. 37.

An Act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement.

Respectfully,
LOUIS K. CHURCH,
Governor.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith

Council Bill No. 315.

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases.

Council Bill No. 293.

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building.

Council Bill No. 318.

A bill for an act providing for the payment for news-

papers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation for the chief clerk of the 10th and 11th sessions of the Legislative Assembly of Dakota,

All of which the House have passed without change.

Respectfully,

W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal school at Spearfish in the Territory of Dakota,

Which was recalled from the Governor for the purpose of correction and amendment and has this day passed the House and your concurrence in the same is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota,

Was, under a suspensian of the rules read a first, second and third time, and

The question being shall the bill pass and

The roll being called there were ayes, 20; nays, 0; not voting, 4.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Allin, Cain, Foster, Harstad.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I transmit herewith
Concurrent resolution recalling House Bill No. 298 from
the Governor, for correction.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

House Bill No. 298,

A bill for an act to provide for the purchase of books for
the territorial library and for the care and custody of the
same,

Was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 18; nays, 0; not
voting, 6.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Collins, Donovan, Ericson,
Galloway, Grigsby, Harstad, Hughes, Lawler, Martin,
McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells,
Mr. President.

Absent and not voting:

Messrs. Allin, Cain, Dodge, Foster, Sheldon of Day, Washa-
baugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency
the Governor:

EXECUTIVE OFFICE, {
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have ap-
proved

Council Bill No. 163.

An act to amend chapter 44 of the Session Laws of 1883,
relating to education,

Respectfully,
LOUIS K. CHURCH,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 304,

A bill for an act to authorize the issuance of licenses for
carrying on the business of public laundries,
Which has passed the House without change.

Very respectfully,
W. G. EAKINS,
Chief Clerk.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
port properly enrolled
Council Bills Nos. 170, 103, 226, 113, 330, 329, 124, 262,
176.

C. D. MEAD,
Chairman.

Mr. Ericson offered the following resolution and moved
its adoption:

Resolved, That the President appoint a committee of
five members to examine all bills now on their third read-
ing and arrange the order in which such bills shall be
acted on by the Council and that the order so fixed be not
changed except by a two-thirds vote.

The resolution was adopted, and the President appointed
as such committee Messrs. Ericson, Dodge, Sheldon of
Day, Grigsby and Wells.

Mr. Hughes offered the following resolution and moved
its adoption:

Resolved, That the House of Representatives be and it is
hereby requested to return to the Council for amendment
substitute for House Bill No. 145.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House bill No. 353,

A bill for an act to amend an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," which became a law March 11, 1887,

Which has passed the House and your concurrence therein is requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Campbell moved

That the rules be suspended and that House Bill No. 353 be considered and put on its passage.

The motion prevailed and

House Bill No. 353,

A bill for an act to amend an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," which became a law March 11, 1887,

Was read three several times, and

The question being shall the bill pass and

The roll being called, there were ayes, 20; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, McCumber, Mead, Sheldon of Day, Sheldon of Hand, Smith, Wells, Mr. President.

Those who voted in the negative were:

Mr. Harstad.

Absent and not voting:

Messrs. Cain, Washabaugh, Weiser.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 321,

A bill for an act entitled an act for the refunding of the outstanding bonded indebtedness of the Territory issued in 1881, bearing 6 per cent., for the construction of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls, and the 5 per cent. bonds issued for the construction of the west wing of the Hospital at Yankton,

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same,

Also,

I transmit

House Bill No. 347,

A bill for an act relating to foreign and domestic corporations,

Also,

House Bill No. 354.—a substitute for Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code, entitled "Revenue," and section 9 of chapter 118, of the General Laws of 1881,

Also,

House Bill No. 259,

A bill for an act to create a new subdivision of the Third Judicial District,

All of which have passed, and your favorable consideration is requested.

Also,

Substitute for House Bill No. 145.

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the territory

to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883,
Returned by request of the Council.

Respectfully
W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That the vote by which House Bill No. 145 was passed be reconsidered.

The motion prevailed.

Mr. Hughes moved

That the bill be amended by striking out the word "general" in section 8, and inserting in lieu thereof the words "Territorial building," and also by striking out section 10.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 19; nays, 2; not voting, 3.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Dodge, Foster, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, McCumber, Mead; Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Ericson, Mr. President.

Absent and not voting:

Messrs. Collins, Donovan, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 170, 103, 226, 262, 113, 330, 329, 124, 176 and 113.

Delivered to His Excellency, Governor L. K. Church, March 11, 1887, at 6 p. m.

C. D. MEAD,
Chairman.

Mr. Ericson moved

That the Council take recess until 8 o'clock p. m.

The motion prevailed.

8 O'CLOCK P. M.

The Council was called to order by
The President in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session
Laws of 1885, entitled "appeal in criminal actions."

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil
Procedure.

Council Bill No. 284.

A bill for an act to ratify acts of loan companies and
building and loan associations and to provide for their fur-
ther existence without reincorporation.

Which have passed the House without change.

Also transmit herewith

House Bill No. 298.

A bill for an act to provide for the purchase of books for
the Territorial Library, and for the care and custody of the
same.

Recalled from the Governor for correction, and passed
as amendment attached to the bill.

House Bill No. 14,

A bill for an act to fix the salary of Probate Judge.

House Bill No. 19,

A bill for an act to establish an agricultural experiment-
al station in North Dakota.

All of which have passed the House.

Very Respectfully,

W. G. EAKINS,

Chief Clerk.

House Bill No. 342.

A bill for an act to establish a public school law for Dakota Territory.

Was read a third time.

Mr. Ericson moved

To amend section 11 by striking out "at two o'clock in the afternoon," and insert "at such hour as the board may direct."

The motion was lost.

The question being shall the bill pass and

The roll being called there were ayes, 9; nays, 6; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Donovan, Ericson, Foster, Grigsby, Lawler, Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Galloway, Harstad, Martin, Sheldon of Day, Sheldon of Hand, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Dodge, Hughes, McCumber, Mead, Smith, Weiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Campbell in the chair.

House Bill No. 351,

A bill for an act for paying traveling expenses of joint committees,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 9; nays, 6; not voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Collins, Donovan, Ericson, Grigsby, Lawler, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Foster, Galloway, Harstad, Martin, Sheldon of Hand.

Absent and not voting:

Messrs. Bogert, Dodge, Hughes, McCumber, Mead, Sheldon of Day, Smith, Washabaugh, Weiser.

So the bill passed and

The question being as to its title and being put
Its title was agreed to.

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to
purchase a time-lock safe for use of the office of territorial
treasurer,

Was read a third time and

The question being shall the bill pass and

The roll being called, there were ayes, 13; nays, 1; not
voting, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Gal-
loway, Grigsby, Harstad, Lawler, Martin, Sheldon of
Hand, Washabaugh, Wells.

Those who voted in the negative were:

Mr. Foster.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Hughes, McCumber,
Mead, Sheldon of Day, Smith, Weiser, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 343.

A bill for an act to amend section 1 of chapter 106 of the
General Laws of 1881.

Was read a third time and

The question being shall the bill pass and

The roll being called there were ayes, 12; nays, 3; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Cain, Campbell, Donovan, Ericson, Grigsby, Har-
stad, Hughes, Martin, Sheldon of Day, Sheldon of Hand,
Washabaugh, Wells.

Those who voted in the negative were:

Messrs. Dodge, Foster, Galloway.

Absent and not voting:

Messrs. Allin, Bogert, Collins, Lawler, McCumber, Mead,
Smith, Weiser, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 68,

A bill for an act for prevention of the wearing of G. A. R. badges when not entitled thereto,

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes. 10; nays, 3; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dodge, Donovan, Ericson, Grigsby, Lawler, Sheldon of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Foster, Martin, Washabaugh.

Absent and not voting:

Messrs. Bogert, Cain, Collins, Galloway, Harstad, Hughes, McCumber, Mead, Sheldon of Day, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 300,

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.

Also,

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.

Also,

Council Bill No. 245.

A bill for an act to amend an act relating to assignees, to amend section 2,042 of title 3 of part 2 of the Civil Code,

Also,

Council Bill No. 278,

A bill for an act entitled "an act relative to the compensation of physicians and surgeons giving expert testimony in any court of this Territory.

I also transmit herewith

House Bill No. 177,

A bill for an act amendatory of chapter 126 of the General Laws of the Sixteenth Legislative Assembly, entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on the railroads in this Territory,

Which has passed the House, and your favorable consideration is requested.

Respectfully,

W. G. EAKINS,
Chief Clerk.

House Bill No. 349,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals and for other purposes,

Was read a third time and

The question being shall the bill pass, and

The roll being called there were ayes, 7; nays, 9; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Donovan, Foster, Grigsby, Lawler, Washabaugh.

Those who voted in the negative were:

Messrs. Campbell, Dodge, Ericson, Galloway, Martin, Sheldon of Day, Sheldon of Hand, Weiser, Wells.

Absent and not voting:

Messrs. Bogert, Cain, Harstad, Hughes, McCumber, Mead, Smith, Mr. President.

So the bill was lost.

House Bill No. 132,

A bill for an act to make it the duty of the County Auditor or Clerk to supply civil townships with necessary books and blanks,

Was read a third time and,

The question being, shall the bill pass, and

The roll being called, there were ayes, 16; nays, 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Martin, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells.

Absent and not voting:
Messrs. Cain, Hughes, Lawler, McCumber, Mead, Smith,
Weiser, Mr. President.

So the bill passed and
The question being as to its title being put,
Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency
the Governor:

EXECUTIVE OFFICE, /
March 11, 1887. \

To the Council and House of Representatives:

I would respectfully call attention to the fact that it is extremely important that some provision should be made in reference to the insurance of the public institutions and buildings of the Territory, calling attention to the fact that in consequence of the destruction of the Madison Normal school building there has been incurred a loss to the city of Madison and the Territory of upwards of fifty-five thousand dollars, and that an appropriation has been made by the Legislature at this session to the amount of thirty-five thousand dollars towards the rebuilding of said institution. I would request the Legislature to take such action in reference to this question before adjournment.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Foster moved that the message be referred to the Committee on Insurance.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, /
March 11, 1887. \

MR. PRESIDENT:

I return herewith
Council Bill No. 286,
A bill for an act entitled "an act relating to irrigation ditches."

Also,
Council Bill No. 223,

A bill for an act to amend section 39 of chapter 23 of an act entitled, "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane, and for the organization of a board of insanity in each organized county in this Territory," of the Session Laws of 1879,

Also,
Council Bill No. 242.

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code,"

All of which have passed the House and your concurrence is desired.

Respectfully,
W. G. EAKENS,
Chief Clerk.

House Bill No. 164.

A Joint Memorial to the Congress of the United States of America for the improvement of the Big Sioux river.

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were, ayes, 14; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Donovan, Ericson, Foster, Galloway, Grigsby, Harstad, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Washabaugh, Mr. President.

Those who voted in the negative were:

Mr. Mead.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Hughes, McCumber, Smith, Weiser, Wells.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Sheldon moved

That further consideration of Council Bill No. 118 be indefinitely postponed.

The ayes and nays being required, and

The roll being called there were ayes, 11; nays, 2; not voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Ericson, Foster, Grigsby, Hughes, Lawler, Martin, Sheldon of Day, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Donovan, Harstad.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Galloway, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells.

So the motion prevailed.

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled "Tree Planting,"

Was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 12; nays, 1; not voting, 11.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Collins, Donovan, Ericson, Foster, Grigsby, Hughes, Lawler, Sheldon of Day, Washabaugh, Mr. President.

Those who voted in the negative were:

Mr. Martin.

Absent and not voting:

Messrs. Allin, Cain, Dodge, Galloway, Harstad, McCumber, Mead, Sheldon of Hand, Smith, Weiser, Wells.

So the bill passed and

The question being as to its title and being put.

Its title was agreed to.

Mr. Bogert moved

That further consideration of House Bill No. 136 be indefinitely postponed.

The motion prevailed.

Mr. Hughes introduced—

Council Bill No. 332,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

And moved

That the rules be suspended and the bill read a first, second and third time and put on its passage.

The motion prevailed.

Council Bill No. 332.

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes. 16; nays. 0; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Collins, Donovan, Foster, Grigsby, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Dodge, Ericson, Galloway, McCumber, Mead, Sheldon of Hand, Smith, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Bogert moved

That the vote by which House Bill No. 136 was lost be reconsidered.

The motion prevailed and

The question being shall the bill pass and

The roll being called, there were ayes. 16; nays. 0; not voting, 8.

Those voting in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Foster, Galloway, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Collins, Dodge, Donovan, Ericson, Grigsby, McCumber, Mead, Sheldon of Hand.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
March 11, 1887.

MR. PRESIDENT:

I return herewith

Council Bill No. 269,

A bill for an act to amend section 104 of the Code of Civil Procedure,

Also,

Council Bill No. 160,

A bill for an act providing the mode of appeals to the supreme court of the Territory of Dakota,

Also,

Council Bill No. 327,

A bill for an act to amend section 1 of an act entitled "an act to create the office of public examiner, defining the duties and dividing the Territory into two examiners' districts," of the Session Laws of 1887, approved March 9th, 1887,

Also,

Council Bill No. 305,

A bill for an act prescribing a form for the acknowledgement of deeds and other instruments, and to legalize acknowledgements heretofore made by deputy sheriffs,

All of which have passed the House without change.

Very Respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Cain moved

That the House of Representatives be requested to return House Bill No. 77 to the Council.

The motion prevailed.

Mr. Bogert in the chair.

House Bill No. 178,

A bill for an act to amend section 655 of the Code of Civil Procedure,

Was read a third time.

Mr. Ericson moved

That the report of the Committee on Judiciary be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 14; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Donovan, Ericson, Foster, Grigsby, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Smith, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Galloway, Harstad.

Absent and not voting:

Messrs. Allin, Cain, Collins, Dodge, Hughes, McCumber,
Mead, Mr. President.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
Council Bills Nos. 325, 326, 2, 304, 75, 315, 293, 247, 198,
318,

Delivered to His Excellency Governor L. K. Church,
March 11, 1887, at 9 o'clock, p. m.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, report
properly enrolled

Council Bills Nos. 325, 326, 2, 304, 75, 315, 293, 247, 198,
318.

C. D. MEAD,
Chairman.

House Bill No. 187,

A bill for an act to amend section 112 of the Justices'
Code of the Territory of Dakota.

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 14: nays, 4: not
voting, 6.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Campbell, Donovan, Eric-
son, Foster, Lawler, Martin, Mead, Sheldon of Day, Shel-
don of Hand, Weiser, Wells.

Those who voted in the negative were:

Messrs. Galloway, Grigsby, Harstad, Washabaugh.

Absent and not voting:

Messrs. Collins, Dodge, Hughes, McCumber, Smith, Mr.
President.

So the bill passed, and

The question being shall the bill pass, and being put,

Its title was agreed to.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881 relating to marks and brands,

Was read a third time, and

The question being shall the bill pass, and

The roll being called, there were ayes, 16; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Ericson, Galloway, Grigsby, Harstad, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Washabaugh, Weiser, Wells.

Those who voted in the negative were:

Mr. Foster.

Absent and not voting:

Messrs. Campbell, Collins, Donovan, McCumber, Mead, Smith, Mr. President.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 109.

A bill for an act to permit County Commissioners to compromise delinquent taxes.

Was read a third time, and

The question being shall the bill pass, and

The roll being called there were ayes, 13; nays, 3; not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Donovan, Ericson, Foster, Galloway, Grigsby, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Weiser.

Those voting in the negative were:

Messrs. Harstad, Washabaugh, Wells.

Absent and not voting:

Messrs. Cain, Collins, Dodge, Hughes, McCumber, Mead, Smith, Mr. President.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 148.

A bill for an act to amend section 2 of Chapter 77 of the General Laws of 1881.

Was read a third time, and
The question being shall the bill pass, and
The roll being called there were ayes, 9; nays, 6; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Bogert, Campbell, Dodge, Donovan, Ericson,
Foster, Lawler, Weiser, Wells.

Those who voted in the negative were:

Messrs. Allin, Galloway, Grigsby, Harstad, Martin,
Washabaugh.

Absent and not voting:

Messrs. Cain, Collins, Hughes, McCumber, Mead, Shel-
don of Day, Sheldon of Hand, Smith, Mr. President.

So the bill passed and

The buestion being as to its title and being put

Its title was agreed to.

Council Bill No. 296,

A bill for an act making appropriations for the current
and contingent expenses for the Territorial Penitentiary at
Bismarck, Dak,

Was read a third time.

Mr. Ericson moved

That section 2 be amended by inserting after the word
"expire" in line 3 the words "by personal service on the
owner thereof if resident in such county or".

The motion prevailed.

The question being shall the bill pass, and

The roll being called there were ayes, 12; nays, 1; not
voting, 11.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Donovan, Ericson, Foster, Gallo-
way, Grigsby, Harstad, Hughes, Martin, Sheldon of Hand,
Wells.

Those who voted in the negative were:

Mr. Washabaugh.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Dodge, Lawler, McCum-
ber, Mead, Sheldon of Day, Smith, Weiser, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 149,

A bill for an act providing for the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease,

Also,
Council Bill No. 167,

A bill for an act to amend section 271 and 277, Code of Civil Procedure.

Also,
Council Bill No. 307,

A bill for an act to provide for struck juries,

Also,
Council Bill No. 99,

A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory of Dakota,
Which have passed the House without change.

Also,
I return herewith
House Bill No. 77,
As per request of Council.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Which has passed the House without change.

Respectfully,
W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from His Excellency the Governor.

EXECUTIVE OFFICE, }
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 121,

An act providing for the incorporation of cities.

Council Bill No. 213,

An act respecting the expenditure of road and bridge funds.

Council Bill No. 219,

An act to define the Sixth judicial district of the Territory of Dakota, to subdivide the same, to fix the terms of court therein, and for other purposes, in pursuance of the act of congress dividing said Territory into six judicial districts.

Council Bill No. 20,

An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota.

Council Bill No. 195,

A joint resolution to reimburse Legislative officers for expenses incurred in the organization of the Legislative Assembly.

Council Bill No. 124,

An act to lessen the danger from stampedes in case of fires in buildings use for public assemblages.

Council Bill No. 226,

An act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations.

Council Bill No. 176,

An act to reimburse and pay Geo. W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings.

Council Bill No. 134,

An act to provide for the printing, publishing, and other current and necessary expenses of the office of the Commissioner of Immigration.

Council Bill No. 113,

An act entitled "An act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory."

Council Bill No. 268.

An act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition.

Council Bill No. 329,

An act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota.

Council Bill No. 256,

An act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years.

Council Bill No. 243,

An act making an appropriation for maintaining the Dakota Hospital for the Insane, for the years 1887 and 1888.

Council Bill No. 235,

An act making appropriation for the maintenance of the North Dakota Hospital for the Insane, near Jamestown, Dakota.

Council Bill No. 277,

An act to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes.

Council Bill No. 296,

An act making appropriation for the current and contingent expenses of the Territorial Penitentiary, at Bismarck.

Council Bill No. 230,

An act making appropriation for the maintenance of the school of deaf mutes, at Sioux Falls, Dakota.

Council Bill No. 330,

An act to amend section 31 of the Code of Civil Procedure.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

The following report was submitted:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred

House Bill No. 199,

A bill for an act to regulate attorneys' fees in cases of
oreclosure of chattel mortgages by advertisement,

Hereby report the same to the Council without recom-
mendation.

ALEXANDER HUGHES,
Chairman.

Mr. Dodge in the chair.

Mr Mathews introduced—

Council Bill No. 333,

A bill for an act entitled an act to appropriate funds to
reimburse Territorial Militia for armory rent and other ex-
penses,

And moved

That the rules be suspended, the bill be read three sev-
eral times and put on its passage.

The motion prevailed.

Council Bill No. 333,

A bill for an act entitled an act to appropriate funds to
reimburse Territorial Militia for armory rent and other
purposes,

Was read a first, second and third time and

The question being shall the bill pass and

The roll being called there were ayes, 14; nays, 1; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Collins, Dodge, Donovan, Ericson, Foster,
Galloway, Hughes, Lawler, Mead, Sheldon of Day, Shel-
don of Hand, Smith, Mr. President.

Those who voted in the negative were:

Mr. Bogert.

Absent and not voting:

Messrs. Cain, Campbell, Grigsby, Harstad, Martin, Mc-
Cumber, Washabaugh, Weiser, Wells.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
 March 11, 1887. }

MR. PRESIDENT:

I return herewith
 Council Bill No. 260,

A bill for an act relating to the insurance of public
 buildings, in the Territory of Dakota.

Which the House has passed without change.

Respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Lawler moved

That further consideration of Council Bill No. 334 be in-
 definitely postponed.

The motion prevailed

Mr. Hughes introduced—

Council Bill No. 334,

A bill for an act to provide funds for making permanent
 and necessary improvements at the Dakota Penitentiary
 at Bismarck,

And moved that the rules be suspended, that the bill be
 read a first, second and third times and put on its passage.

The motion prevailed.

Council Bill No. 334,

A bill for an act providing funds for making permanent
 and necessary improvements at the Dakota Penitentiary
 at Bismarck,

Was read three several times, and

The question being shall the bill pass, and

The roll being called there were ayes, 16; nays, 0: not
 voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Collins, Dodge, Donovan,
 Ericson, Galloway, Grigsby, Hughes, Lawler, Martin, Mead,
 Sheldon of Hand, Washabaugh, Weiser.

Absent and not voting:

Messrs. Bogert, Foster, Harstad, McCumber, Sheldon of
 Day, Smith, Wells, Mr. President.

So the bill passed, and

The question being as to its title

Its title was agreed to.

House Bill No. 312,

A bill for an act to amend section 1, of chapter 43, of the
 General Laws of 1883,

Was read a third time, and
 The question being shall the bill pass, and
 The roll being called there were ayes, 4; nays, 13; not
 voting, 7.

Those who voted in the affirmative were:
 Messrs. Allin, Foster, Sheldon of Hand, Wells.

Those who voted in the negative were:
 Messrs. Bogert, Collins, Dodge, Donovan, Ericson, Gal-
 loway, Grigsby, Lawler, Mead, Sheldon of Day, Smith,
 Washabaugh, Weiser.

Absent and not voting:
 Messrs. Cain, Campbell, Harstad, Hughes, Martin, Mc-
 Cumber, Mr. President.

So the bill was lost.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency
 the Governor:

EXECUTIVE OFFICE, }
 March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have ap-
 proved the following Council Bills, viz:

Council Bill No. 227,

An act to appropriate funds for the payment of a
 claim against the Territory of Dakota, for the printing of
 bills, joint resolutions and memorials for the Legislative
 Assembly of 1872-3, entitled "a joint resolution providing
 for the election of a public printer for the Legislative As-
 sembly and the Territory of Dakota.

Also,

Council Bill No. 326,

An act to amend section 1, chapter 48, Special Laws
 of 1885, entitled, "an act to provide for the payment
 of clerical work in the executive office."

Also,

Council Bill No. 318,

An act providing for the payment for newspapers
 furnished to members of the Seventeenth Legislative
 Assembly of the Territory of Dakota.

Also,

Council Bill No. 325.

An act to amend chapter 103 of the Session Laws of 1883, relating to the territorial treasurer, entitled "an act to amend section 3 of chapter 39 of the Political Code and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881."

Also,

Council Bill No. 75,

An act to amend chapter 23 of the Special and Private Laws of 1881, Entitled, "an act authorizing the board of county commissioners of Pembina county to fund the outstanding indebtedness thereof."

Also,

Council Bill No. 304,

An act authorizing the issuance of license for carrying on the business of public laundries.

Also,

Council Bill No. 293,

An act to pay C. H. Wagner for lamps and chandeliers placed in the capitol building.

Also,

Council Bill No. 315,

An act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Sheldon of Day, moved

That the vote by which House Bill No. 334 was indefinitely postponed be reconsidered.

The motion prevailed.

The question being shall the bill pass and

The roll being called there were ayes, 13; nays, 7; not voting, 4.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Campbell, Collins, Dodge, Ericson, Galloway, Grigsby, Lawler, Sheldon of Day, Sheldon of Hand, Smith, Wells.

Those voting in the negative were:

Messrs. Donovan, Foster, Harstad, Martin, Mead, Washabaugh, Weiser.

Absent and not voting:

Messrs. Cain, Hughes, McCumber, Mr. President.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

The President in the chair.

House Bill No. 259,

A bill for an act to create a new subdivision of the
Third judicial district,

Was read a third time and

The question being shall the bill pass and

The roll being called there were ayes, 12; nays, 4;
not voting, 8.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Donovan, Ericson, Foster, Gallo-
way, Lawler, Martin, Sheldon of Day, Sheldon of Hand,
Smith, Washabaugh.

Those who voted in the negative were:

Messrs. Dodge, Harstad, Weiser, Mr. President.

Absent and not voting:

Messrs. Cain, Campbell, Collins, Grigsby, Hughes, Mc-
Cumber, Mead, Wells.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 306,

A bill for an act to amend section 16 of chapter 69 of
the laws passed by the 16th Legislative Assembly, relating
to insurance corporations,

Was read a third time.

Mr. Cain moved

That the report of the committee hereon be adopted.

The motion prevailed.

The question being shall the bill pass, and

The roll being called, there were ayes, 13; nays, 2; not
voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Donovan, Lawler,
Martin, Sheldon of Day, Sheldon of Hand, Smith, Washa-
baugh, Weiser, Wells.

Those who voted in the negative were:

Messrs. Ericson, Mr. President.

Absent and not voting:

Messrs. Campbell, Collins, Foster, Galloway, Grigsby, Harstad, Hughes, McCumber, Mead.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith

Council Bill No. 279,

A bill for an act entitled "An act to amend sections 197, 199 and 218 of the Code of Civil Procedure,"

Also,

Council Bill No. 136,

A bill for an act to amend articles 8 and 9, of chapter 12 of the Code of Civil Procedure.

Also,

Council Bill No. 333,

A bill for an act entitled "an act to appropriate funds to reimburse territorial militia for armory rent and other purposes,

Also,

Council Bill No. 334,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Which have passed the House without change.

Very Respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Hughes introduced—

Council Bill No. 335,

A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

And moved

That the rules be suspended, the bill be read a first, second and third time, and put on its passage.

The motion prevailed and
Council Bill No. 335,

A bill for an act concerning insurance companies and to
authorize the territorial auditor to sue for and collect pen-
alties,

Was read three several times, and

The question being shall the bill pass and

The roll being called, there were ayes, 17; nays, 0; not
voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Bogert, Cain, Dodge, Ericson, Grigsby, Har-
stad, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of
Hand, Smith, Washabaugh, Weiser, Wells, Mr. President.

Absent and not voting:

Messrs. Campbell, Collins, Donovan, Foster, Galloway,
McCumber, Mead.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Donovan moved

That the vote by which House Bill No. 312 was lost be
reconsidered.

The motion was lost.

Council Bill No. 316,

A bill for an act making an appropriation for traveling
and other expenses of the board of railroad commissioners
for the two years ending April 1, 1889,

Was read a third time, and

The question being, shall the bill pass, and

The roll being called there were ayes, 6; nays, 11;
not voting, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Dodge, Hughes, Lawler, Sheldon of
Day.

Those who voted in the negative were:

Messrs. Campbell, Collins, Ericson, Galloway, Martin,
Mead, Sheldon of Hand, Smith, Washabaugh, Wells, Mr.
President.

Absent and not voting:

Messrs. Bogert, Donovan, Foster, Grigsby, Harstad, Mc-
Cumber, Weiser.

So the bill was lost.

Mr. Foster moved

That the vote by which the bill was lost be reconsidered.

The motion prevailed.

Mr. Ericson moved

That the bill be amended by striking out \$5,000 and inserting \$3,000.

The motion prevailed.

The roll being called there were ayes, 15; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Dodge, Donovan, Ericson, Foster, Galloway, Grigsby, Hughes, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Smith, Wells.

Those who voted in the negative were:

Messrs. Collins, Harstad, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Bogert, Campbell, McCumber, Mead, Weiser.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Cain moved

That the vote by which House Bill No. 77 was lost be reconsidered.

The motion prevailed.

Mr. Hughes moved

The previous question,

Which was ordered and

The question being shall the bill pass and

The roll being called there were ayes, 9; nays, 11; not voting, 4.

Those who voted in the affirmative were:

Messrs. Cain, Collins, Donovan, Foster, Galloway, Hughes, Lawler, Martin, Smith.

Those who voted in the negative were:

Messrs. Allin, Bogert, Dodge, Ericson, Grigsby, Harstad, Sheldon of Day, Sheldon of Hand, Washabaugh, Wells, Mr. President.

Absent and not voting:

Messrs. Campbell, McCumber, Mead, Weiser.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 355,
A bill for an act to amend chapter 99 of the General
Laws of 1883,
Which the House, has passed and your concurrence is
requested.

Respectfully,
W. G. EAKINS,
Chief Clerk.

The following reports were presented:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report
Council Bills Nos. 280, 286, 149, 242, 259, 323, 260, 300
and 136,
Properly enrolled.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills re-
port properly engrossed and enrolled
Council Bills Nos. 280, 286, 149, 242, 259, 323, 260, 300
and 136.

C. D. MEAD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I am instructed by the House to request the return of
House Bill No. 2,
A bill for an act to amend an act entitled "an act to pro-
vide for the establishment of a board of railroad commis-

sioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory.

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alterations of routes.

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations.

Respectfully,

W. G. EAKINS,
Chief Clerk.

Mr. Hughes moved

That a committee of five members be appointed on resolutions.

The motion prevailed, and

The President appointed as such committee Messrs. Hughes, Grigsby, Dodge, Galloway and Smith.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

You will please return to the House the following bills. viz: House Bills Nos. 2, 153 and 286. By order of the House,

GEORGE G. CROSE,
Speaker.

Mr. Hughes moved

That the Council take recess for twenty minutes.

The motion prevailed.

Upon the Council being again called to order

Mr. Hughes moved

That the President appoint a committee of three to wait upon his Excellency, inform him that the Council was about to adjourn and to learn if he had any further communication to make.

The motion prevailed, and

The President appointed as such committee Messrs. Hughes, Dodge and Grigsby.

Mr. Hughes moved

That the Chief Clerk be instructed to inform the House of Representatives that the Council had finished its labors and was about to adjourn.

The motion prevailed.

The committee on resolutions reported the following, recommending its adoption:

Resolved, That the Council hereby extends to Hon. Geo. A. Mathews its thanks for and appreciation of the satisfactory manner in which he has performed the duties of President of the Council, and that there is hereby also extended to him the wishes of one and all of its members for that prosperity and happiness which an assured honorable career deserves.

The question being on the adoption of the resolution, it was put by the Chief Clerk, and

The resolution was adopted by the members all rising to their feet.

The committee on resolutions reported, also, the following resolution:

Resolved, That the sincere thanks of the Council are due and hereby tendered to the chief clerk, his assistant and the other subordinate officers of the Council for the faithful and painstaking manner in which they have performed their several duties.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I return herewith
Council Bill No. 264,
A bill for an act providing for township organization,
Which has passed the House without amendment.

Respectfully,
W. G. EAKINS,
Chief Clerk.

Mr. Washabaugh introduced the following resolution:

Be it Resolved by the Legislative Council of the Territory of Dakota:

That the gavel used by the presiding officer of this body be donated to the Honorable George Mathews, as a token of the respect and esteem in which he is held by each and every member of this body for the faithful and impartial manner in which he has discharged the duties of President of this Council.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I return herewith
House Bill No. 57,

A bill for an act providing for the locating, establishing and building a Soldier's Home, and providing funds therefor,

Together with the message of the Governor withholding his signature to the same for your consideration.

Very respectfully,

W. G. EAKINS,

Chief Clerk.

Mr. Cain offered the following resolution:

Resolved, That to our fellow Councilman, the Hon. C. D. Mead, we extend our thanks for his capable, efficient and untiring discharge of the arduous duties of the chairmanship of the Committee on Enrolled and Engrossed Bills.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 11, 1887. }

MR. PRESIDENT:

I transmit herewith
House Bill No. 42,

A bill for an act authorizing the division of counties, and for other purposes.

Together with the message of the Governor vetoing the same, which has passed the House by the required two-thirds vote, notwithstanding the Governor's objections.

Very Respectfully,
W. G. EAKINS,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 2,

An act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto.

Council Bill No. 223,

An act to amend section 39 of chapter 23 of an act entitled, "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane, and for the organization of a board of insanity in each organized county in this Territory," of the Session Laws of 1879.

Council Bill No. 286,

An act relating to irrigation ditches.

Council Bill No. 300,

An act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.

Council Bill No. 280,

An act to amend chapter 7, of the Session Laws of 1885, entitled "appeals in civil actions."

Council Bill No. 99,

An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota.

Council Bill No. 323,

An act to amend section 92 of the Code of Civil Procedure.

Council Bill No. 149,

An act providing for the mode of calling in public bonds for payment and fixing the time when interest thereon shall cease.

Council Bill No. 222,

An act to provide for extending or restricting the limits of incorporated cities and towns.

Council Bill No. 259,

An act providing the manner of assessing stocks and shares of banks and bank associations and collecting tax from the same.

Council Bill No. 241,

An act to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine in the Territory of Dakota.

Council Bill No. 260,

An act relating to the insurance of public buildings in the Territory of Dakota.

Council Bill No. 136,

An act to amend articles 8 and 9 of chapter 10 of the Code of Civil Procedure.

Council Bill No. 242,

An act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled an act to amend section 3 of chapter 27 of the Political Code.

Council Bill No. 119,

An act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same.

Council Bill No. 333,

An act entitled an act to appropriate funds to reimburse the Territorial Militia for armory rent, and other purposes.

Council Bill No. 187,

An act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.

Council Bill No. 305,

An act prescribing a form for the acknowledgement of deeds and other instruments, and to legalize acknowledgements heretofore made by deputy sheriffs.

Council Bill No. 284,

An act to ratify acts of loan companies and building

and loan associations heretofore incorporated under the laws of this Territory, and to provide for their further existence without re-incorporation.

Council Bill No. 321,

An act entitled an act for the refunding of the outstanding bonded indebtedness of the Territory, issued in 1881, bearing six per cent., for the construction of the Insane Hospital at Yankton and the penitentiary at Sioux Falls, and the five per cent. bonds issued for the construction of the west wing of the insane hospital at Yankton.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Washabaugh moved

That

House Bill No. 57,

A bill for an act to locate and establish a soldiers' home at Hot Springs, Dakota,

Be passed, the objections of His Excellency the Governor to the contrary notwithstanding, and

The roll being called there were ayes, 3; nays, 12; not voting, 9.

Those who voted in the affirmative were:

Messrs. Allin, Grigsby, Washabaugh.

Those who voted in the negative were:

Messrs. Collins, Donovan, Ericson, Foster, Galloway, Lawler, Martin, Sheldon of Day, Sheldon of Hand, Smith, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Cain, Campbell, Dodge, Harstad, Hughes, McCumber, Mead, Weiser.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 9,

A bill for an act entitled "an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,"

With the message of the Governor vetoing the same, and to inform the Council that the House has by a vote of more than two-thirds thereof, passed the same, the Governor's objections to the contrary notwithstanding.

Respectfully
W. G. EAKINS,
Chief Clerk.

The following reports of committees were received:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills, report properly enrolled

Council Bills Nos. 333, 321, 180, 269, 278, 223, 284, 305, 307, 99, 187, 334.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 333, 321, 180, 269, 278, 223, 284, 305, 307, 99, 187, 334

Delivered to His Excellency Governor L. K. Church, March 11, 1887, at 11:50 o'clock, p. m.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report properly enrolled

Council Bills Nos. 279, 160, 245, 167, 264 and 327.

C. D. MEAD,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos. 279, 160, 245, 167, 264 and 327.

Delivered to his Excellency Governor L. K. Church March 11, 1887, at 12 o'clock midnight,

C. D. MEAD,
Chairman.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

Having been received from the House of Representatives, which body had passed the same, the objections of his Excellency the Governor to the contrary notwithstanding, and

The question being shall the bill pass, and
The roll being called, there were ayes, 16; nays, 3; not
voting, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cain, Campbell, Dodge, Donovan, Ericson,
Foster, Grigsby, Martin, Mead, Sheldon of Day, Sheldon of
Hand, Smith, Washabaugh, Wells, Mr. President.

Those who voted in the negative were:

Messrs. Collins, Galloway, Lawler.

Absent and not voting:

Messrs. Bogert, Harstad, Hughes, McCumber, Weiser.

So the bill was passed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
March 11, 1887. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 316,

A bill for an act making an appropriation for expenses
of Railroad Commissioners for two years, ending April 1,
1889,

Which has passed the House unchanged.

Respectfully,

W. G. EAKENS,
Chief Clerk.

House Bill No. 99.

A bill for an act to regulate attorneys' fees in case of
foreclosure of chattel mortgages by advertisement.

Was read a third time and

The question being shall the bill pass, and

The roll being called, there were ayes, 16; nays, 0; not
voting, 8.

Those voting in the affirmative were:

Messrs. Allin, Cain, Campbell, Donovan, Ericson, Foster,
Galloway, Grigsby, Hughes, Lawler, Martin, Mead, Shel-
don of Day, Sheldon of Hand, Wells, Mr. President.

Absent and not voting:

Messrs. Bogert, Collins, Dodge, Harstad, McCumber,
Smith, Washabaugh, Weiser.

So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following messages were received from his Excellency the Governor:

EXECUTIVE OFFICE. {
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved the following Council Bills, viz:

Council Bill No. 327,

An act to amend section 1 of an act entitled "an act to create the office of public examiner, defining the duties and dividing the Territory into two examiners districts," of the Session Laws of 1887.

Council Bill No. 160,

An act providing the mode of appeals to the Supreme Court of the Territory of Dakota.

Council Bill No. 245,

An act to amend section 2042 of title 3 of part 2 of the Civil Code in relation to assessments for the benefit of creditors.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE, {
March 11, 1887. }

To the President of the Council:

I have the honor to inform the Council that I have approved

Council Bill No. 316,

An act making an appropriation for traveling and other expenses of the board of railroad commissioners for the two years ending April 1, 1889.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Hughes, from the special committee, reported that the duty assigned the committee had been performed and

that his Excellency had informed the committee that he had no further communication to make.

Mr. Galloway moved

That the Council do now adjourn, sine die,

The motion prevailed and

The President announced that the Council was adjourned accordingly.

T. A. KINGSBURY,
Chief Clerk.

Council Bills.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
1	Mr. Hughes	Creating office of Public Examiner	18	28		
2	Mr. Hughes	Grain Warehouses and Inspection of Grain	18	28	195	
3	Mr. Hughes	Taxation of Car Companies	18	28	218	526
4	Mr. Hughes	The Levy and Collection of Taxes	18	28	232	330
5	Mr. Foster	Providing for Certain Public Printing	19	33	33	341
6	Mr. Collins	Railroad and Warehouse Commission	19	33	54	
7	Mr. Collins	Creating office of Public Examiner	19	33	63	
8	Mr. Collins	Counties to Bond Indebtedness	19	33	470	
9	Mr. Collins	University of North Dakota	19	33	514	577
10	Mr. Collins	Salary Register of Deeds, Grand Forks County	19	34	52	
11	Mr. Collins	Fees of Registers of Deeds	19	34	75	
12	Mr. Mead	Opening Sioux Indian Reservation	19	20	75	
13	Mr. Grigsby	Election in the City of Sioux Falls	20	34		
14	Mr. Campbell	Employment of Officers of the Council	20	34	34	
15	Mr. Hughes	Farm and Forestry Institution	23	34	34	
16	Mr. Hughes	Support of Indigent Soldiers	23	34	517	
17	Mr. Hughes	Bonds of Public Officers	23	34	175	
18	Mr. Cain	When Taxes Shall Become Delinquent	24	34	232	
19	Mr. Galloway	Solemnization of Marriage	24	34	97	100
20	Mr. Galloway	Practice of Pharmacy	24	34	63	71
21	Mr. Galloway	Henry Krogh as a Notary Public	24	34	213	319
22	Mr. McCumber	Taxes Becoming Delinquent	24	34	84	
23	Mr. McCumber	Volunteer Fire Companies	24	35	83	
24	Mr. Wells	Amending Sec. 3, Chap. 94, laws of 1883	24	35	34	
25	Mr. Mead	To Stanley, Sterling and Nowlin Counties	24	35	46	
26	Mr. Mead	Preparing Tickets for Elections	24	35	174	192
27	Mr. Ericson	Foreclosure of Mortgages	25	35	210	
28	Mr. Dodge	Support of Fire Departments	25	35	46	
29	Mr. Foster	Larcenies of Live Stock	25	35	78	77
30	Mr. Allin	Fees of Printers	25	35	32	
31	Mr. Allin	County Treasurers	25	36	71	
32	Mr. Bogert	Publishing an Act of Congress	25	36	78	
33	Mr. Dodge	Subordinate Officers of the Assembly	32	43	84	9
34	Mr. Hughes	Incompatibility of Offices	32	43	55	62
35	Mr. Hughes	Abolishing Office of County Assessor	32	49	98	
36	Mr. Galloway	A Memorial	32	49	517	
37	Mr. Campbell	Costs in Foreclosure of Mortgages	32	49	55	6
38	Mr. Campbell	To Giving, Entering and Satisfying Judgments	33	49	483	
39	Mr. McCumber	Foreclosure of Mortgages on Real Estate	33	49	55	
40	Mr. Hughes	Warrants of Boards of Education	33	49	498	
41	Mr. Washabaugh	The Formation of Private Corporations	39	49	54	
42	Mr. Grigsby	Tax Deeds	39	49	54	
43	Mr. Grigsby	Tax Sales	39	49		
44	Mr. McCumber	Subdivision Sixth Judicial District	39	50		
45	Mr. McCumber	Handling Grain by Railroads	39	50		
46	Mr. Galloway	Duplicate Coupons of Bonds	39	50	403	
47	Mr. Mead	Duty of County Treasurers	40	50	172	
				61	35	
48	Mr. E. T. Sheldon	Fifth Judicial District		81	71	632
49	Mr. McCumber	Powers of Cities, etc.	40	50	242	
50	Mr. Grigsby	Damages Caused by Railroads	40	50	242	
51	Mr. Washabaugh	Effect of Lis Pendens	40	51	55	
52	Mr. Washabaugh	Burial of Soldiers and Sailors	46	57	123	
53	Mr. Washabaugh	Providing Fuel for the Capitol	46	57	112	
54	Mr. Grigsby	The Protection of Game	46	57	55	
55	Mr. Hughes	Punishment for Beating Wives	46	57		
56	Mr. Hughes	Preliminary Examination of Persons Accused	47	57	453	7
57	Mr. Hughes	Burial of Soldiers, Sailors and Marines	47	57	153	
				57	113	

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
58	Mr. Dodge.....	Powers and Duties of County Officers.....	47	57	123	....
59	Mr. Campbell.....	Boundaries Fifth Judicial District.....	47	57	622	....
60	Mr. E. T. Sheldon	Judge of Probate.....	47	58	133	....
61	Mr. E. T. Sheldon	Salary of Judge of Probate.....	47	58	....	....
62	Mr. E. T. Sheldon	Duty of Judge of Probate.....	48	58	....	....
63	Mr. Mead.....	Soldier's Home.....	48	58	124	....
64	Mr. Mead.....	Criminal Prosecution in Justices' Courts.....	48	67	497	....
65	Mr. Collins.....	Anatomical Science.....	48	67	123	....
66	Mr. Grigsby.....	Struck Jury.....	48	67	12	144
67	Mr. Smith.....	Refunding Indebtedness.....	56	67	133	....
68	Mr. Donovan.....	Organization of Literary Institutes.....	56	67	171	181
69	Mr. Dodge.....	Proceedings by Attachment.....	56	67	123	....
70	Mr. Galloway.....	Boards of Health.....	56	67	416	....
71	Mr. McCumber.....	The Science of Medicine.....	56	68	123	....
72	Mr. Weiser.....	Courts of Justices of the Peace.....	56	68	127	144
73	Mr. Galloway.....	Formation of Boards of Trade, etc.....	66	78	88	111
74	Mr. Mathews.....	The Office of County Auditor.....	77	91	194	214
75	Mr. Donovan.....	Funding Indebtedness of Pembina County.....	77	91	111	....
76	Mr. Dodge.....	Trials and Judgments in Civil Actions.....	77	91	133	....
77	Mr. Ericson.....	Counties Bonding Indebtedness.....	77	91	....	....
78	Mr. Foster.....	Inspection of Coal Oils, etc.....	77	98	266	274
79	Mr. Hughes.....	Neglect of Officers to Make Reports.....	77	98	133	....
80	Mr. Hughes.....	Compensation of Public Officers.....	78	98	513	....
81	Mr. McCumber.....	Civil Townships.....	78	99	123	....
82	Mr. Hughes.....	Proceeds of Licenses, etc., to School Fund.....	90	99	171	....
83	Mr. Mathews.....	Common Schools.....	90	107	....	....
84	Mr. Mathews.....	Organization of Civil Townships.....	90	107	335	....
85	Mr. Hughes.....	Proceedings by Attachment.....	90	107	133	....
86	Mr. Hughes.....	Justices of the Peace.....	90	107	....	....
87	Mr. C. H. Sheldon	County Agricultural Societies.....	91	107	....	....
88	Mr. C. H. Sheldon	Taxation of Express and Other Companies.....	91	108	....	....
89	Mr. Ericson.....	Age of Victim of Rape.....	97	108	....	....
90	Mr. Cain.....	Providing for Printing Bills, etc.....	97	100	105	....
91	Mr. Cain.....	To Selection of Jurors.....	97	108	467	....
92	Mr. Smith.....	Divorce.....	97	108	153	....
93	Mr. Hughes.....	Trustees of Public Institutions.....	97	108	175	....
94	Mr. Hughes.....	Notaries Public.....	98	108	....	....
95	Mr. McCumber.....	County Auditors Elected in 1885.....	98	108	153	....
96	Mr. Washabaugh.....	Max Hoehn as Notary Public.....	98	108	153	....
97	Mr. Hughes.....	Committee to Confer with Montana Legislature.....	98	108	168	....
98	Mr. Campbell.....	Expenses Territorial Encampment at Fargo.....	98	109	123	....
99	Mr. Campbell.....	Collection of Taxes in Cities.....	106	114	241	....
100	Mr. McCumber.....	Soldiers' Home.....	106	114	610	618
101	Mr. Weiser.....	Regulating Liquor License.....	106	114	496	....
102	Mr. Galloway.....	Preservation of Game Birds.....	106	114	231	....
103	Mr. Ericson.....	Charter of Elk Point.....	106	115	349	....
104	Mr. Mathews.....	Revenue.....	106	115	232	....
105	Mr. Mathews.....	Township Government.....	106	115	447	....
106	Mr. Grigsby.....	Exemption from Execution of Life Insurance.....	106	115	451	....
107	Mr. Grigsby.....	Political disability of Henry Muchow.....	107	115	171	....
108	Mr. Grigsby.....	Trustees School of Deaf Mutes.....	107	115	184	....
109	Mr. Dodge.....	Taxation of Dogs.....	107	115	174	....
110	Mr. Cain.....	Territorial Fair.....	107	115	192	207
111	Mr. Donovan.....	The spread of Noxious Weeds.....	107	115	....	....
112	Mr. Mathews.....	Bonds for school purposes.....	124	134	207	....
113	Mr. Mathews.....	Division of the Territory.....	124	134	312	335
114	Mr. Collins.....	County Treasurer and Register of Deeds.....	124	134	355	370
115	Mr. Collins.....	County Treasurer and Register of Deeds.....	124	134	259	284
116	Mr. Collins.....	County Treasurer and Register of Deeds.....	124	134	451	....

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
115	Mr. Bogert	Taxation Railroad Companies	125	146	.....	.....
116	Mr. Lawler	Diseases among Live Stock	125	146	.....	.....
117	Mr. Campbell	Public Library Associations	125	147	174	191
					191	247
					272	313
118	Mr. Hughes	Mode of trial in Civil Procedure	125	147	.....	.....
119	Mr. Hughes	Liens on Crops	125	147	231	.....
120	Mr. C. H. Sheldon	Clerks of Judiciary Committees	125	147	184	.....
121	Mr. Galloway	Incorporation of Cities	134	103	336	.....
					376	376
122	Mr. Hughes	Security of Public Halls, etc.	134	147	184	.....
123	Mr. Hughes	Non-resident plaintiffs to secure costs	134	147	516	.....
124	Mr. Smith	Stampedes in case of fires	145	164	216	.....
125	Mr. Cain	Legal printing and compensation therefor	145	164	399	.....
126	Mr. Cain	Board of Education of Huron	146	164	185	.....
127	Mr. Bogert	Destruction of wild animals	146	164	267	.....
128	Mr. Galloway	The Moravian Society	146	164	.....	.....
129	Mr. Hughes	Relief of indigent ex-soldiers	146	164	.....	.....
130	Mr. Foster	Compensation of Sheriffs in certain cases	146	165	171	.....
131	Mr. Grigsby	Terms of Supreme Court	153	165	468	572
132	Mr. Dodge	Free Libraries and Reading Rooms	153	165	243	.....
					271	313
133	Mr. Cain	The use of fictitious names	154	165	184	.....
134	Mr. Cain	Expenses of Committee of Immigration	154	165	703	.....
135	Mr. Weiser	Handling of grain	154	165	298	.....
136	Mr. Hughes	Exceptions and new trials	154	165	447	.....
137	Mr. McCumber	County Mutual Insurance Companies	154	165	217	.....
				
138	Mr. C. H. Sheldon	Purchase of Session Laws	162	168	.....	.....
139	Mr. Ericson	Extinction of Liens	162	176	516	.....
140	Mr. Allin	Reports of Justices of the Peace	162	176	184	.....
141	Mr. Dodge	Relief of Frederick P. Benjamin	162	188	466	.....
142	Mr. Dodge	Hospital at Jamestown	163	166	.....	.....
143	Mr. Cain	Purchase of Arms	163	176	219	.....
					239	518
144	Mr. Foster	Soldiers' Home	175	188	447	.....
					555	622
145	Mr. Allin	Oaths of Civil Officers	176	188	220	.....
146	Mr. Bogert	Service of Summons	176	188	.....	.....
147	Mr. Dodge	When District Courts are Open	176	188	447	.....
148	Mr. Washabaugh	Incorporation of Towns and Cities	176	188	231	.....
149	Mr. Ericson	Calling in Public Bonds	186	197	516	.....
150	Mr. Foster	Building and Loan Associations	186	197	266	.....
					296	369
151	Mr. Campbell	Building and Loan Associations	186	197	266	.....
152	Mr. Campbell	Building and Loan Associations	187	197	516	.....
153	Mr. Smith	Practice of Pharmacy	187	223	319	.....
154	Mr. Smith	Legal Identity of Married Women	187	198	266	.....
155	Mr. Smith	Inmates of Insane Asylums	187	198	231	.....
156	Mr. Smith	Visits of School Superintendents	187	198	220	.....
157	Mr. McCumber	Crime of Rape	187	198	450	.....
158	Mr. McCumber	Publication of Laws in Newspapers	187	198	666	.....
159	Mr. Martin	Normal School Building at Madison	188	198	398	.....
160	Mr. McCumber	Appeals to the Supreme Court	196	209	516	.....
161	Mr. Collins	Undertaking for Stay—Justice's Court	197	209	.....	.....
162	Mr. Collins	Jurisdiction of Justices' Courts	197	209	.....	.....
163	Mr. Bogert	Education	197	270	418	461
				
164	Mr. Wells	Protection Large Game and Quail	208	223	267	.....
165	Mr. Weiser	Memorial to Congress	208	223	267	.....
166	Mr. Hughes	Judgment in Civil Actions	208	223	447	.....
167	Mr. Hughes	References and Trials by Referees	208	223	447	.....
168	Mr. Collins	Railroad Commissioners	208	233	468	.....
					611	620
					.....	621
169	Mr. McCumber	Registration of Voters	221	233	471	.....
170	Mr. McCumber	An Independent School District	221	233	447	.....
171	Mr. Hughes	Legalize Assessment Rolls	222	233	276	.....
172	Mr. Hughes	Sixth Judicial District	222	233	.....	.....

Council Bills—Continued.

Number.	Read third.	Amended.	Passed.	Lost.	Reconsidered.	Engrossed.	Rec'd from House.		Amendments con- curred in.	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Recalled.	Approved.	Vetoed.	Question on pas- sage.	Other action.	
							Amended	Unch'd.													
117	323	323	324			472															
118	813			813																	
119	247	247	249				659		668					712	723		896				
120	199	199	200					325						336	341		343				
121	400	400	403			472	635		636					742			821				
122	212	212																			
123	673	673	673																		
124	235	235	236				778		781					803	806		821				
125	429	429	430				610		623					688	689		772				
126	211		211					371							478						
127	281	281	281																		
128	166		166					235						259	268		280				
130	192	199	199					371						423	423		497				
	608	608	609																		
132	324			324																	
133	210			210																	
134	707	707	707					767						790	791		821				
135	299			300																	
136	672		673					828						831	831		896				
137	238	238	239				291		292					336	341	343					
138	168		168					325						336	341		498				
139			668													343					
140	212		212																		
141	635	635	636																		
142	166		166				210						221	268							
143	592			592																	
144	545			545	555																
			668																		
145	236		236																		
147	646		647					747													
148	250		251					354						423	423						
149	669		669					820						831	831		836				
150	384		384				644		644					712	723		772				
151	283	283		283																	
152	672			672																	
153	357			358																	
154	282		283					309						319	319		326				
155	251	251	251					279						298	310		306				
156	237	237	238				525		557					588	597		676				
157	669	669	670																		
158	721	721	722																		
159	502			502																	
160	630		630					816						838	838		840				
163	479	479	481			536		596						634	635	641					
		684	685		684			769						790	791		802				
164	295		296					475						517	542		562				
165	284		284					479						517	542						
166	675			675																	
167	674		674					820						838	838						
168	602	610																			
		638		639	640																
		640		641																	
169	630	630	631																		
170	646		646					790						803	806						

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
173	Mr. Lawler	Second Judicial District	222	233	266	.....
174	Mr. Campbell	Reimburse George Lilley	222	233	517	.....
175	Mr. E. T. Sheldon	Revenue	222	233	.....	.....
176	Mr. Mathews	Reimburse George W. Hopp	222	233	517	.....
177	Mr. Dodge	Ry. Co.s' Acquiring Title to Lands	222	244	493	.....
178	Mr. Dodge	Dividends of Corporations	222	244	370	.....
179	Mr. McCumber	Handling and Storage of Grain	232	244	471	.....
180	Mr. Mead	Code of Civil Procedure	232	244	493	.....
181	Mr. Wells	Judgment in civil actions	232	244	449	.....
				629	.....	.....
182	Mr. Martin	Action brought by Insurance Company	232	245	266	.....
183	Mr. Hughes	County Boards of Equalization	233	245	493	.....
184	Mr. Collins	Bridges over navigable rivers	234	245	350	.....
185	Mr. Foster	Protection of fish	243	293	350	.....
186	Mr. Cain	School corporations	243	269	298	.....
				322	552	.....
187	Mr. Wells	Passage of fish over dams	243	269	319	355
				356	552	.....
188	Mr. Dodge	Premiums on bonds sold	244	269	274	.....
189	Mr. Washabaugh	Loan of money	244	269	493	.....
190	Mr. Foster	Protection of game	268	277	349	.....
191	Mr. Campbell	Fourth Judicial District	268	278	622	.....
192	Mr. Allin	Election of officers in towns	268	278	468	.....
193	Mr. Mathews	Township government	268	278	335	.....
194	Mr. Bogert	Normal School at Springfield	269	278	448	.....
195	Mr. Bogert	Reimbursement Legislative Officers	269	278	299	.....
196	Mr. Hughes	Sixth Judicial District	269	278	.....	.....
197	Mr. Hughes	Compensation of public officers	269	278	516	.....
198	Mr. Grigsby	Incorporation of banking associations	269	293	369	388
199	Mr. Mead	Duties of Registers of Deeds	277	293	470	.....
200	Mr. Campbell	Personal property taxes	277	300	740	.....
201	Mr. Campbell	Compensation of public officers	277	294	.....	.....
202	Mr. Campbell	Duty of County Treasurer	277	294	.....	.....
203	Mr. Dodge	Changing County Seat	277	300	452	.....
204	Mr. Cain	Division and Admission	292	300	622	.....
205	Mr. Grigsby	Exceptions, Code of Civil Procedure	292	300	.....	.....
206	Mr. Grigsby	Appeals to Supreme Court	292	301	.....	.....
207	Mr. C. H. Sheldon	Attorney's fees in civil actions	293	300	493	.....
208	Mr. McCumber	Directors of Sectarian Educational Ins	293	301	583	.....
209	Mr. Lawler	Reform School at Plankinton	293	301	399	.....
210	Mr. Lawler	Changing county seats in certain cases	293	321	335	.....
				356	.....	.....
211	Mr. McCumber	Expenses of joint committee	314	321	.....	.....
212	Mr. Cain	Forsclosure real estate mortgage	320	329	494	.....
213	Mr. Cain	Road and bridge funds	321	330	335	.....
214	Mr. Harstad	Powers of electors of civil townships	336	352	.....	.....
215	Mr. Harstad	Civil townships	336	352	370	.....
216	Mr. Washabaugh	Marks and brands on live stock	336	352	494	.....
217	Mr. Washabaugh	Damages occasioned by vicious dogs	336	352	494	.....
218	Mr. Washabaugh	Railway companies to appoint police officers	337	352	494	.....
219	Mr. Hughes	Defining Sixth Judicial District	337	352	468	.....
220	Mr. Hughes	Mortgages of personal property	337	352	.....	.....
221	Mr. Galloway	Abuse of Domestic Animals	337	353	.....	.....
222	Mr. Foster	Limits of Incorporated Cities	337	353	411	.....
				411	451	481
223	Mr. Foster	Dakota Hospital for the Insane	337	353	515	.....
224	Mr. Wells	School of Mines, Rapid City	337	353	448	.....
225	Mr. Washabaugh	Counties and County Officers	337	353	452	.....
226	Mr. McCumber	Meetings of Boards of Directors	351	408	516	.....
227	Mr. Campbell	Payment for Printing in 1872	351	408	496	.....
228	Mr. Campbell	Providing a remedy by Garnishment	351	383	622	.....
229	Mr. Grigsby	School of Deaf Mutes	351	374	417	.....
230	Mr. Grigsby	School of Deaf Mutes	351	408	496	.....
231	Mr. Bogert	Liquor Traffic in Cities	351	383	516	.....
232	Mr. Lawler	Vacancy in Office of District Attorney	373	408	.....	.....
233	Mr. Collins	Filing Chattel Mortgages by City Clerks	373	408	585	.....
334	Mr. Galloway	Judges of Probate Court	373	409	585	.....

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
335	Mr. Dodge	North Dakota Hospital for Insane	381	409	496	.....
236	Mr. Dodge	Refunding Outstanding Indebtedness	382	409	589	.....
237	Mr. Wells	County Commissioners' Districts	382	409	416	.....
238	Mr. McCumber	Traveling Expenses of Judges	382	409	492	.....
239	Mr. Galloway	Normal School at Tower City	382	409	492	.....
240	Mr. Grigsby	Penalties from Insurance Companies	382	409	494	.....
241	Mr. Grigsby	Reimburse C. J. Cummings and M. Hare	382	410	464	.....
				464	497	542
				543	551	.....
242	Mr. Ericson	Election Precincts in Counties	383	410	494	.....
243	Mr. Smith	Maintaining Dakota Hospital for Insane	407	427	497	.....
244	Mr. Grigsby	Sale of Land for Taxes	407	427	.....	.....
245	Mr. Weiser	Assignees	407	452	.....	.....
246	Mr. Ericson	Amending Justice's Code; Detainer	407	428	494	.....
247	Mr. Ericson	Tenth and Eleventh General Assemblys	407	428	516	.....
248	Mr. Harstad	Salaries of District Attorneys	407	428	516	.....
249	Mr. Donovan	Boundaries of Cavalier County	408	328	452	.....
250	Mr. Foster	Providing for Educational Districts	408	452	.....	.....
251	Mr. Campbell	Expenses Territorial Militia	426	453	466	.....
252	Mr. Allin	County of McCormack	426	453	470	.....
253	Mr. Ericson	Refunding Bonded Indebtedness	426	453	492	.....
254	Mr. Ericson	Relief of Isaac Montague	426	453	620	.....
255	Mr. Ericson	Relief of Victor Montague	426	453	620	.....
256	Mr. Wells	Maintenance School of Mines	426	453	516	.....
257	Mr. Mead	Distribution of Supreme Court Reports	426	453	466	.....
258	Mr. Mead	Amending Articles of Incorporation	427	473	.....	.....
259	Mr. Mead	Taxing Bank Stocks	427	454	634	.....
260	Mr. Collins	Insurance of Public Buildings	427	473	587	.....
261	Mr. Collins	Exemptions for Boarding	427	473	713	.....
262	Mr. Collins	Bismarck Land District	427	473	622	.....
263	Mr. Ericson	Drainage	427	461	515	.....
264	Mr. Ericson	Township Organization	452	500	515	.....
265	Mr. Ericson	Introduction of Bills	452	500	.....	464
266	Mr. Cain	District Court Reporters	452	500	516	.....
267	Mr. Smith	County Clerk for Yankton County	460	460	.....	.....
268	Mr. Galloway	Relief of Johanna Milton	464	500	555	.....
269	Mr. Washabaugh	Service of Summons	472	501	.....	.....
270	Mr. Allin	Dealing in Futures	472	501	584	.....
271	Mr. Donovan	Arrest in Code Criminal Procedure	472	501	.....	.....
272	Mr. Donovan	Registration of Births, etc.	472	501	585	.....
273	Mr. Donovan	Insurance of Stock of Railway Companies	472	501	.....	.....
274	Mr. Collins	An Act in Garnishment	472	.....	.....	.....
275	Mr. Mathews	Agricultural College, etc., at Brookings	473	542	552	.....
276	Mr. Hughes	Pay of Pages	473	501	516	.....
277	Mr. Mathews	Maintenance Agricultural College	499	542	588	.....
278	Mr. Mathews	Expert Testimony of Physicians	499	542	585	.....
279	Mr. Smith	Attachment Property of Non-Residents	499	557	622	.....
280	Mr. Washabaugh	Appeals, by Territory or County Therein, Amend Chapter 7, Laws of 1885	499	557	622	.....
281	Mr. E. T. Sheldon	Real Estate Advertised for Sale for Taxes	499	557	630	.....
282	Mr. Martin	Licenses Liquor Dealers, etc.	499	557	621	.....
283	Mr. Campbell	Number of Directors of Corporations	500	624	649	.....
284	Mr. Hughes	Building and Loan Associations	500	557	666	.....
285	Mr. Martin	Elections in Independent School Districts	500	557	620	.....
286	Mr. Wells	Irrigating Ditches	523	558	583	.....
287	Mr. Martin	Normal School at Madison	523	558	.....	.....
288	Mr. Foster	City Council to Issue Bonds	523	558	.....	.....
289	Mr. Cain	Abstracts of Title to Homesteads	523	558	585	.....
290	Mr. Collins	Mode of Insuring Against Hail	532	558	760	.....
291	Mr. Galloway	Fees of Sheriffs in Foreclosures	532	558	682	.....
292	Mr. Galloway	Misconduct of Directors in Banks	532	558	622	.....
293	Mr. Hughes	Payment of C. H. Wagner for Lamps, etc.	532	558	583	.....
294	Mr. Hughes	Maintenance Public Offices	532	559	588	.....
295	Mr. Hughes	Improvements at Penitentiary at Bismarck	532	583	589	660
296	Mr. Hughes	Expenses Penitentiary at Bismarck	533	533	588	.....
297	Mr. Cain	Certificate of Discharge of Mortgage	533	559	.....	.....
298	Mr. Foster	Civil Townships	533	559	649	.....

Council Bills—Continued.

Number.	Read third.	Amended.	Passed.	Lost.	Reconsidered.	Engrossed.	Rec'd from House.		Amendments con- curred in.	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Recalled.	Approved.	Vetoed.	Question on pas- sage.	Other action.
							Amended	Unch'd.												
235	573	573	574	.....	.....	.....	.....	657	.....	.....	.....	.....	.....	712	723	.....	822	.....	.....	.....
236	598	.....	598	.....	.....	.....	733	.....	752	.....	.....	.....	.....	769	771	.....	800	.....	.....	.....
237	476	477	478	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
238	560	.....	561	.....	.....	.....	.....	690	.....	.....	.....	.....	.....	734	734	.....	772	.....	.....	.....
239	594	.....	.....	594	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
240	570	.....	570	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
241	618	618	618	.....	.....	.....	749	.....	753	.....	.....	.....	.....	767	771	.....	836	.....	.....	.....
242	754	.....	754	.....	.....	.....	.....	813	.....	.....	.....	.....	.....	831	831	.....	836	.....	.....	.....
243	574	574	574	.....	.....	.....	.....	658	.....	.....	.....	.....	.....	712	723	.....	822	.....	.....	.....
245	751	.....	751	.....	.....	.....	.....	810	.....	.....	.....	.....	.....	838	838	.....	840	.....	.....	.....
246	702	.....	702	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
247	594	.....	595	.....	.....	.....	.....	800	.....	.....	.....	.....	.....	817	817	.....	.....	.....	.....	.....
248	.....	.....	753	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
249	508	.....	508	.....	.....	.....	.....	658	.....	.....	.....	.....	.....	712	723	.....	772	.....	.....	.....
251	519	.....	519	.....	.....	.....	.....	696	.....	.....	.....	.....	.....	734	734	.....	772	.....	.....	.....
253	575	575	575	.....	.....	.....	.....	686	.....	.....	.....	.....	.....	734	734	.....	.....	.....	.....	.....
254	636	636	637	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
255	637	637	637	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
256	597	.....	598	.....	.....	.....	.....	696	.....	.....	.....	.....	.....	734	734	.....	822	.....	.....	.....
257	502	502	502	.....	.....	.....	.....	596	.....	.....	.....	.....	.....	634	635	.....	772	.....	.....	.....
259	675	.....	675	.....	.....	.....	.....	805	.....	.....	.....	.....	.....	831	831	.....	836	.....	.....	.....
260	677	678	678	.....	.....	.....	.....	824	.....	.....	.....	.....	.....	831	831	.....	836	.....	.....	.....
261	748	.....	748	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
262	689	.....	689	.....	.....	.....	.....	778	.....	.....	.....	.....	.....	803	806	.....	.....	.....	.....	.....
263	577	577	578	.....	.....	.....	.....	658	.....	.....	.....	.....	.....	712	723	.....	772	.....	.....	.....
264	639	.....	640	.....	.....	.....	.....	833	.....	.....	.....	.....	.....	838	838	.....	.....	.....	.....	.....
266	572	.....	572	.....	.....	.....	.....	658	.....	.....	.....	.....	.....	688	689	.....	772	.....	.....	.....
267	460	.....	461	.....	.....	.....	.....	658	.....	.....	.....	.....	.....	688	689	.....	772	.....	.....	.....
268	703	703	704	.....	.....	.....	768	.....	769	.....	.....	.....	.....	790	791	.....	822	.....	.....	.....
269	751	.....	751	.....	.....	.....	.....	816	.....	.....	.....	.....	.....	838	838	.....	.....	.....	.....	.....
270	.....	.....	757	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
272	.....	.....	756	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
275	591	.....	592	.....	596	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
276	601	596	597	.....	602	.....	.....	658	.....	.....	.....	.....	.....	712	723	.....	772	.....	.....	.....
277	616	616	616	.....	.....	.....	.....	691	.....	.....	.....	.....	.....	734	734	.....	822	.....	.....	.....
278	754	755	755	.....	.....	.....	.....	810	.....	.....	.....	.....	.....	838	838	.....	.....	.....	.....	.....
279	680	.....	680	.....	.....	.....	.....	828	.....	.....	.....	.....	.....	838	838	.....	.....	.....	.....	.....
280	680	681	681	.....	.....	.....	.....	807	.....	.....	.....	.....	.....	831	831	.....	835	.....	.....	.....
281	716	.....	716	.....	.....	.....	780	.....	780	.....	.....	.....	.....	790	791	.....	.....	.....	.....	.....
282	679	.....	679	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
283	716	717	717	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
284	787	787	787	.....	.....	.....	.....	807	.....	.....	.....	.....	.....	838	838	.....	836	.....	.....	.....
285	680	680	680	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
286	754	.....	754	.....	.....	.....	.....	812	.....	.....	.....	.....	.....	831	831	.....	835	.....	.....	.....
289	.....	.....	756	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
292	681	682	684	682	682	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
293	707	707	708	.....	.....	.....	.....	800	.....	.....	.....	.....	.....	817	817	.....	826	.....	.....	.....
294	617	617	617	.....	.....	.....	.....	691	.....	.....	.....	.....	.....	712	723	.....	772	.....	.....	.....
295	615	615	615	.....	665	.....	.....	663	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
296	613	613	613	.....	.....	.....	.....	696	.....	.....	.....	.....	.....	742	771	.....	.....	.....	.....	.....
298	720	720	721	.....	.....	.....	.....	696	.....	.....	.....	.....	.....	734	734	.....	822	.....	.....	.....

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.	Considered.
299	Mr. Martin	Notice of Sale for Delinquent Taxes	555	624	.....	.....
300	Mr. Martin	Duty of Register of Deeds	555	624	667	.....
301	Mr. Hughes	Providing a Hand Book	555	.....	.....	.....
302	Mr. Hughes	Board of Education	556	624	.....	.....
303	Mr. Grigsby	Penitentiary at Sioux Falls	556	559	588	.....
304	Mr. Washabaugh	Licensing Public Laundries	556	559	585	.....
305	Mr. Galloway	Acknowledgments	556	559	622	.....
306	Mr. Cain	Insurance Corporations	556	624	760	.....
307	Mr. McCumber	Struck Juries	556	625	709	.....
308	Mr. Foster	Liens on Grain for Threshing Bills	580	624	.....	.....
309	Mr. McCumber	County Mutual Insurance Companies	580	581	.....	.....
310	Mr. McCumber	Jarors	580	624	709	.....
311	Mr. Mathews	Encampment of Militia	580	624	623	.....
312	Mr. Collins	University of North Dakota	580	582	666	.....
313	Mr. Grigsby	Government School of Deaf Mutes	580	582	.....	.....
314	Mr. Hughes	Changing Names of Townsites	604	604	622	.....
315	Mr. Ericson	Unexpended Balances of Special Funds	610	625	627	.....
316	Mr. Hughes	Expenses Railroad Commissioners	610	625	734	.....
317	Mr. Mathews	Deficit Due Territorial Militia	623	625	623	.....
318	Mr. Campbell	Payment for Newspapers	623	713	712	.....
319	Mr. Mead	Purchase of Stationery	647	647	.....	.....
320	Mr. Ericson	Printing of Journals	674	674	.....	.....
321	Mr. Mathews	Refunding Indebtedness	682	682	697	.....
			.....	716	719	.....
322	Mr. Lawler	Reform School at Plankinton	688	688	.....	.....
323	Mr. McCumber	Place of Trial of Civil Actions	693	693	.....	.....
324	Mr. Hughes	Sixth Judicial District	708	708	713	.....
325	Mr. Bogert	Amend Chapter 103 Laws of 1883	720	720	.....	.....
326	Mr. Smith	Clerical Work in the Executive Office	725	725	.....	.....
327	Mr. Lawler	Office of Public Examiner	726	726	.....	.....
328	Mr. Foster	Compensation Committee on Engrossment	737	737	.....	.....
329	Mr. Lawler	Maintenance Dakota Reform School	746	746	.....	.....
330	Mr. Hughes	When Courts are Opened	757	757	.....	.....
331	Mr. Hughes	Fourth Volume Supreme Court Reports	759	759	.....	.....
331a	Mr. Grigsby	Expenses Special Committee	774	774	.....	.....
332	Mr. Hughes	Improvements at Penitentiary at Bismarck	815	815	.....	.....
333	Mr. Mathews	Reimburse Territorial Militia	823	823	.....	.....
334	Mr. Hughes	Improvements at Penitentiary at Bismarck	824	824	.....	.....
335	Mr. Hughes	Insurance Companies	829	829	.....	.....

Council Bills—Continued.

Number.	Read third.	Amended.	Passed.	Lost.	Reconsidered.	Engrossed.	Rec'd from House.		Amendments con- curred in.	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Recalled.	Approved.	Vetoed.	Question on pas- sage.	Other action.
							Amended	Unch'd.												
300	753		753					810						831	831		835			
303	612		613																	
304	654		655					803						817	817		826			
305	718		718					816						838	838		836			
306	827							827												
307	722		722					820						838	838					
309	581		582					696						734	734					
310	723	723	723																	
311	717			718																
312				752																
313	582		582					657						712	723		772			
314	718			718																
315	708		708					800						817	817		826			
316	829	830	830	829	830			839									840			
317	650		651																	
318	734		734					800						817	817		825			
319	647		647																	
320	674		674																	
321	719	719	719					805						838	838		836			
322	688		688					695						734	734		737			
323	693		694					807						831	831		835			
324	752		752																	
325	720		720					796						817	817		825			
326	725		725					796						817	817		825			
327	726		726					816						838	838		840			
328	737		737																	
329	746		747					792						803	806		822			
330	757		757					782						803	806		822			
331a	759		759																	
331	774		774																	
332	815		815																	
333	823		823					828						838	838		836			
334	824		824					828						838	838					
335	829		829																	

GOVERNOR—MESSAGES FROM..... { 89, 116, 126, 144, 167, 153, 186, 209, 280, 305, 306, 326,
343, 386, 432, 486, 487, 488, 490, 497, 498, 534, 562, 607,
676, 677, 691, 737, 772, 800, 802, 812, 821, 825, 835, 840.

House Bills—Continued.

Number.		Received.	Read First.	Committed.	Reported	Read Third	Amended	Passed.	Lost.	Action of House.	Conference Report.	Report Accepted.	Further Action.
237	Timber Culture	479	521	521
238	Change Corporate name	424	446	446	583	733	733
239	County Seats	386	389	389	406	406	406
240	Division and Admission.....	614	615
241	Madison Normal School	663	715	715	560
243	John Nagle & Co	474	503	503	503	503	503
244	Board of Correction.....	638	643	643	643	643
245	Powers of Cities.....	504	520	520	588	784	785
248	Protection of Game.....	478	521	521
249	Games of Chance.....	424	446	446	471	577	577
252	Jamestown Hospital.....	560	569	269	584	775	775	776
253	False Pedigrees	479	520	521
254	Compilation of Laws	695	710	710	723	724	725
255	Wards of Cities	424	446	446	516	740	740	741
256	Taxes of Railroads	454	462	462	622	735	736	736
257	Yankton Hospital.....	663	715	715	764	794	794
259	Assessing Bank Stock	756
261	Recalling Act.....	664	709	709	709	709	709
267	Seed Grain.....	805	827	827
269	Apportionment	400	403	403	403	403
270	Appropriation	479	520	520	550	701	701	702
272	Amending.....	428	461	461	583	793	793
273	Red River	691	714	714	730	795	795
274	Vermillion University	479	520	520	554	732	732	732
275	Education	638	655	655	711	791	791
276	Municipal Taxes.....	645	655	655	679	699	699
277	County Boards.....	611	633	633	647	793	793
278	A. L. Bain, Notary.....	625	633	633	667	763	764	764
281	A. M. Chaney, Notary.....	479	520	520	550	775	775
282	Liquor to Minors.....	478	520	520	554	732	732
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349	Boards of Health.....	783	784	784		811			811				
351	Payment of Expenses.....	783	783	783		808		808					
352	Recalling Act.....	785	785	785		785		785					
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- 2 AN ACT to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the Railroad and Warehouse Commission in relation thereto.
- 7 AN ACT to create the office of Public Examiner, defining the duties and dividing the Territory into two examiner's districts.
- 20 AN ACT to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota.
- 21 AN ACT to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota.
- 24 AN ACT to amend section 3 of chapter 94 of the General Laws passed in the year 1883.
- 25 AN ACT to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.
- 27 AN ACT amending section 610 of the Code of Civil Procedure.
- 28 AN ACT to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by the fire insurance companies upon premiums received in any such town, city or village.
- 33 AN ACT providing for the appointment of certain subordinate officers of the Territorial Council and House of Representatives and for the compensation and payment thereof.
- 37 AN ACT to amend section 615 of chapter 28 of the Code of Civil Procedure.
- 40 AN ACT to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory, and to prescribe the rate of interest thereon.

- 41 AN ACT to amend section 384 of chapter 3 of the Civil Code.
- 46 AN ACT to provide for the issuing of duplicates of bonds or coupons lost or destroyed.
- 47 AN ACT making it the duty of county treasurers to certify to abstract of title to real estate with reference to taxes affecting property set forth in abstract.
- 50 AN ACT to amend section 677 of the Code of Civil Procedure.
- 51 AN ACT to amend section 1 of chapter 117 of the laws passed at the Sixteenth Session of the Legislative Assembly; approved March 13, 1885.
- 52 AN ACT concerning the burial of soldiers, sailors or marines who served in the union army during the war of the rebellion.
- 53 AN ACT to provide fuel for the Capitol.
- 67 AN ACT authorizing cities to refund outstanding bonded indebtedness.
- 69 AN ACT to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment.
- 74 AN ACT creating the office of county auditor and defining the duties thereof.
- 75 AN ACT to amend chapter 23 of the Special and Private Laws of 1881, entitled "An act authorizing the board of county commissioners of Pembina county to fund the outstanding indebtedness thereof."
- 76 AN ACT to amend sections 266 and 268 of chapter 12 of the Code of Civil Procedure, relating to trials and judgments in civil actions.
- 81 AN ACT to amend an act entitled "An act to provide for the organization of civil townships and the government of the same."
- 91 AN ACT to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.
- 95 AN ACT to extend the term of office of county auditors elected at the annual election of 1885.
- 96 AN ACT to legalize the acts of Max Hoehn as notary public of the Territory of Dakota.
- 99 AN ACT to provide for the collection of city taxes in incorporated cities of the Territory of Dakota.

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- 105 AN ACT to amend section 74 of sub-chapter No. 1 of chapter 112 of the General Laws of 1883, entitled "township government."
- 107 AN ACT to remove the disabilities of Heinrich Muchow and restore him to citizenship.
- 112 AN ACT to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes.
- 113 AN ACT to submit to the legal voters of the Territory of Dakota the question of the division of the Territory.
- 119 AN ACT creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same.
- 121 AN ACT to provide for the incorporation of cities.
- 124 AN ACT to lessen the dangers from stampedes in case of fires in buildings used for public assemblages.
- 125 AN ACT providing for certain legal printing and fixing the compensation therefor.
- 126 AN ACT legalizing certain acts of the board of education of the city of Huron, Beadle county, Dakota Territory, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it, and for other purposes.
- 128 AN ACT to amend the name of the religious corporation incorporated under the title of the Moravian society of township 139, north of range 52 west, Cass county, Dakota Territory.
- 130 AN ACT to fix the compensation of sheriffs in certain cases.
- 134 AN ACT to provide for the printing, publishing and other current and necessary expenses of the office of Commission of Immigration.
- 136 AN ACT to amend article 8 and article 9 of chapter 12 of the Code of Civil Procedure, relating to bills of exceptions and new trials.
- 137 AN ACT to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies.
- 148 AN ACT to amend section 22 of chapter 24 of the Political Code, entitled, "Incorporation of Towns and Cities."
- 149 AN ACT providing for the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease.
- 150 AN ACT to amend sections 2, 3, 4, 5, 8, 9 and 19 of chapter 34 of the laws of 1885, entitled "an act to provide for the incorporation and regulation of building and loan associations."

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- 154 AN ACT to declare and protect the legal and personal identity of married women.
- 155 AN ACT to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights.
- 156 AN ACT to require teachers of public schools to keep a records of the visits of county superintendants.
- 160 AN ACT providing the method of appeals to the Supreme Court of the Territory of Dakota.
- 163 AN ACT to amend chapter 44, of the Session Laws of 1883, relating to education.
- 164 AN ACT to protect large game and quail in Dakota, Territory.
- 173 AN ACT creating and defining a subdivision of the Second Judicial District.
- 174 AN ACT to reimburse and pay George Lilly for money advanced by him to pay for finishing and completing portions of public buildings.
- 176 AN ACT to reimburse Geo. W. Hopp for moneys advanced by him to pay for plans and specifications of public buildings.
- 184 AN ACT permitting the construction of bridges over navigable rivers and providing the manner of paying for the same.
- 187 AN ACT amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.
- 189 AN ACT reviving and making operative within the counties of Lawrence, Pennington, Custer, Fall River and Butte, the provisions of sections (1098) ten hundred and ninety-eight and (1100) eleven hundred of the Civil Code, entitled "Loan of Money."
- 209 AN ACT to provide funds for the construction and furnishing of necessary buildings for the Dakota Reform School at Plankinton, Dakota, and for other purposes.
- 213 AN ACT respecting the expenditure of road funds.
- 215 AN ACT to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled "an act to provide for the organization of civil townships and the government of the same."
- 217 AN ACT to amend section one of chapter 134 of the Session Laws of 1885, entitled "liability for damages occasioned by vicious dogs."
- 218 AN ACT to authorize railway companies to appoint police officers.

- 219 AN ACT to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein, and for other purposes, in pursuance of the act of Congress dividing said territory into six judicial districts.
- 222 AN ACT to provide for extending or restricting the limits of incorporated cities and towns.
- 223 AN ACT to amend section 39 of chapter 23 of an act entitled "an act to establish the Dakota Hospital for the Insane, providing for the government of the same, and for the care of the insane, and for the organization of a board of insanity in each organized county of this Territory," of the Session Laws of 1879.
- 224 AN ACT to provide funds for the construction and furnishing of a metallurgical laboratory for the School of Mines at Rapid City, Dakota, and for other purposes.
- 226 AN ACT to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations.
- 227 AN ACT to appropriate for the payment of a claim against the Territory of Dakota for the printing of the bills, joint resolutions and memorials for the Legislative Assembly of 1872-3, entitled "a joint resolution providing for, and the election of, a public printer for the Legislative Assembly and the Territory of Dakota."
- 229 AN ACT to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls, and for other purposes.
- 230 AN ACT appropriating money for the support and maintenance of the School of Deaf Mutes at Sioux Falls, for the ensuing two years.
- 235 AN ACT making appropriation for the maintenance of the North Dakota Hospital for the Insane near Jamestown, Dakota.
- 236 AN ACT to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota.
- 238 AN ACT to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota, to defray their traveling expenses, etc.
- 241 AN ACT to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine in the Territory of Dakota.

- 242 AN ACT to amend section 1 of chapter 53 of the Session laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code."
- 243 AN ACT making an appropriation for maintaining the Dakota Hospital for the Insane for the years 1887 and 1888.
- 245 AN ACT to amend section 2042 of title 3 of part 2 of the Civil Code.
- 249 AN ACT defining the boundaries of Cavalier county and for other purposes.
- 251 AN ACT to appropriate funds to pay expenses incurred by Territorial Militia at Territorial encampment held at Fargo, Dakota, in September, 1885.
- 256 AN ACT to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years.
- 257 AN ACT providing for the distribution of the Dakota Supreme Court Reports.
- 259 AN ACT providing the manner for assessing the stocks and shares of banks and bank associations and collecting tax from the same.
- 260 AN ACT relating to the insurance of public buildings in the Territory of Dakota.
- 263 AN ACT to amend chapter 75 of the General Laws of 1883, in regard to drainage, as amended by chapter 47 of the General Laws of 1885.
- 266 AN ACT to amend section 5 of chapter 52 of the Session Laws of 1879, entitled "an act authorizing the appointment of shorthand reporters for the District Courts of the Territory."
- 267 AN ACT to amend an act entitled "an act to provide for the appointment of a County Clerk for Yankton County and to define his duties," approved March 9, 1883.
- 268 AN ACT to appropriate \$450 for the relief of Joanna Melton for monies expended and services rendered at the New Orleans Exposition.
- 275 AN ACT to provide for the government of the Agricultural College and experimental station for the Territory of Dakota.
- 277 AN ACT to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes.
- 280 AN ACT to amend chapter 7 of the Session Laws of 1885, entitled "Appeals in civil actions."
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- 284 AN ACT to ratify acts of loan companies and building and loan associations heretofore incorporated under the laws of this territory and to provide for their further existence without reincorporation.
- 286 AN ACT relating to irrigating ditches.
- 293 AN ACT to appropriate funds to pay C. H. Wagner for lamps and chandeliers placed in the Capitol building.
- 294 AN ACT for maintenance of the public officers of the Territory.
- 296 AN ACT making appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck.
- 300 AN ACT compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.
- 304 AN ACT authorizing the issuance of license for carrying on the business of public laundries.
- 305 AN ACT prescribing a form for the acknowledgement of deeds and other instruments and to legalize acknowledgements heretofore made by deputy sheriffs.
- 313 AN ACT to amend chapter 26 of the Special Laws of 1883, establishing School for Deaf Mutes and providing for the government and maintenance of the same, and repealing part of chapter 56 of Session Laws of 1881.
- 315 AN ACT authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases.
- 316 AN ACT making appropriation for expenses of railroad commissioners for the two years ending April 1, 1889.
- 318 AN ACT providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota.
- 321 AN ACT for the refunding of the outstanding bonded indebtedness of the Territory issued in 1881, bearing 6 per cent., for the constructing of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls, and the 5 per cent, bonds issued for the construction of the west wing of the Insane Hospital at Yankton.
- 322 AN ACT to amend sections 1, 2 and 4, chapter 25 of the Special Laws passed at the Fifteenth Session of the Legislative Assembly of the Territory of Dakota, approved March 9, 1883, entitled "an act to locate and establish a Reform School for Juvenile Offenders, at or near the village of Plankinton, in Aurora county, Dakota Territory."

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- 323 AN ACT to amend section 92 of the Code of Civil Procedure.
- 325 AN ACT to amend chapter 103 of the Session Laws of 1883, relating to Territorial Treasurer, entitled "an act to amend section 3 of chapter 39 of the Political Code, and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881."
- 326 AN ACT to amend section one of chapter 48 of the Special Laws of 1885, entitled "an act to provide for payment of clerical work in the Executive office."
- 327 AN ACT to amend section 1 of an act entitled "an act to create the office of Public Examiner, defining the duties and dividing the Territory into two examiners districts," of the Session Laws of 1887, approved March 9, 1887.
- 329 AN ACT appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dak.
- 330 AN ACT to amend section 31 of the Code of Civil Procedure.
- 333 AN ACT to appropriate funds to reimburse the Territorial Militia for armory rent and other purposes.
- 334 AN ACT to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck.

JOINT RESOLUTIONS AND MEMORIALS.

- 5 Joint Resolution providing for certain public printing and making appropriation for the same.
- 12 Joint Resolution praying for the passage of what is known as the Dawes Bill.
- 32 Joint Resolution providing for the publication of five hundred copies of an act of Congress of the United States entitled "an act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness, and for other purposes."
- 90 Joint Resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly, and making appropriations for the same.
- 97 Joint Resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock.
- 120 Joint Resolution providing for compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary.

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- 138 Joint Resolution to provide for the purchase of Session Laws.
- 165 Joint Resolution and Memorial to Congress asking for immediate steps to be taken for the selection of the public school lands allotted and designated as sections 16 and 36 in the several townships in this Territory.
- 195 Joint Resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly.
- 204 Joint Resolution relative to a division of the Territory and the admission of each half into the union.
- 262 Joint Resolution and Memorial to Congress for the division of the Bismarck land district in the Territory of Dakota.

ORIGINATING IN THE HOUSE.

- 7 AN ACT to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883.
- 13 AN ACT to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and to provide for terms of court therein.
- 15 AN ACT to amend an act entitled "an act defining the boundaries of the Fourth Judicial District and fixing the time of holding court therein."
- 22 AN ACT to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof; approved March 13, 1885.
- 26 AN ACT to amend section 1, chapter 26, General Laws of 1879.
- 29 AN ACT to amend sections 37 and 43 of chapter 28 of the Political Code.
- 31 AN ACT to repeal chapter 31 of the General Laws of 1881.
- 41 AN ACT to amend sections 15 and 16 of chapter 122 of the laws of 1881, entitled "an act for the registry of electors and to prevent fraudulent voting.
- 48 AN ACT to prohibit the sale of intoxicating liquors by local option.

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- 55 AN ACT authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the interest and principal and interest thereof.
- 56 AN ACT to amend sections 46 and 66 of chapter 44 of the General Laws of 1883.
- 60 AN ACT to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota.
- 66 AN ACT to amend and re-enact section 2042 of the Civil Code of Dakota.
- 68 AN ACT for prevention of the wearing of G. A. R. badge when not entitled thereto.
- 74 AN ACT to amend subdivision one of section 320 of chapter 26 of the Penal Code.
- 78 AN ACT to establish and define the boundaries of Morton county.
- 86 AN ACT to define the boundaries of the counties of Billings, Stark and Lawrence.
- 88 AN ACT providing for the extension of the time for the payment of taxes of 1886.
- 94 AN ACT to repeal section 427 of chapter 37 of the Penal Code.
- 104 AN ACT to cancel certain county warrants.
- 108 AN ACT relating to the office of notaries public.
- 112 AN ACT to regulate the cancellation and forfeiture of insurance policies.
- 118 AN ACT to secure in the Territory of Dakota to honorably discharged soldiers and sailors who served in the army and navy of the United States during the late war the rights and privileges guaranteed to them by sections 1754 and 1755 of the revised statutes of the United States, also section 3, chapter 287, laws of 1876.
- 128 AN ACT to repeal an act entitled "an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness;" approved March 12, 1885.
- 136 AN ACT in relation to the rendition of fugitives from justice.
- 141 AN ACT to provide for the extension of the Spearfish Normal School and for other purposes.
- 142 AN ACT to provide for the location of alleys in cities, and incorporated towns, and villages.

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- 145 AN ACT to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell real property of the Territory, to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883.
- 146 AN ACT to provide funds for the construction and furnishing of a dormitory for the University of North Dakota at Grand Forks, Dakota, and for other purposes.
- 150 AN ACT to amend an act entitled "an act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same."
- 159 AN ACT creating the counties of Pierce and Church and defining the boundaries of the counties of Bottineau, Rolette, McHenry and Sheridan, and for other purposes.
- 160 AN ACT to amend section three of chapter twenty-six of the General Laws of 1879, relating to the sale of intoxicating liquors.
- 165 AN ACT to make an appropriation for the payment of armory rent of the regimental bands of the Dakota National Guard.
- 171 AN ACT legalizing a certain election held in the city of Sioux Falls, and for other purposes.
- 172 AN ACT to define the boundaries of Ward and Renville counties.
- 173 AN ACT to prohibit the destruction of beavers in the Territory of Dakota.
- 178 AN ACT to amend section 665 of the Code of Civil Procedure.
- 182 AN ACT to amend chapter 61 of the Session Laws of 1881, relating to marks and brands.
- 183 AN ACT making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years.
- 186 AN ACT in relation to the vacation of town plats.
- 187 AN ACT to amend section 112 of the Justices' Code of the Territory of Dakota.
- 197 AN ACT to provide funds for the purchase of an experimental farm and the construction of dormitory, shops, laboratory and farm buildings for the Agricultural College of Dakota at Brookings, and for other purposes.
- 201 AN ACT for the establishment of free libraries and reading rooms in cities, villages or townships in the Territory of Dakota.

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- 211 AN ACT legalizing a certain election held in the city of Spearfish, in the Territory of Dakota.
- 215 AN ACT regulating the procurement of chattel mortgages in connection with applications for insurance, and providing a penalty for violation thereof.
- 216 AN ACT providing funds for the construction of a dormitory and wing of main building of the University of Dakota, and for other purposes.
- 224 AN ACT to amend subdivisions one (1) and two (2) of section five (5), chapter 84 of the General Laws of 1881.
- 225 AN ACT to provide for meetings of the township boards of supervisors, and defining the duties of the same.
- 226 AN ACT to amend section two (2) of chapter twenty-six (26) of the Political Code, entitled "Town and city plats."
- 227 AN ACT to amend section 70 of chapter 28 of the Political Code, entitled "Revenue."
- 239 AN ACT to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon.
- 241 AN ACT to provide funds to pay for the construction, heating and furnishing of the Normal school building at Madison, Dakota, and for other purposes.
- 245 AN ACT to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus.
- 248 AN ACT for the protection of game.
- 252 AN ACT to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown and to appropriate money therefor.
- 253 AN ACT to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees.
- 254 AN ACT to provide for the compilation, publication and distribution of the laws of the Territory of Dakota.
- 255 AN ACT to enable towns and cities to change the name, number and boundary of wards.
- 257 AN ACT to provide for the issuing of bonds and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor.
- 270 AN ACT to appropriate funds for certain purposes.

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- 274 AN ACT to provide funds for the maintenance of the University of Dakota at Vermillion.
- 276 AN ACT to authorize cities, towns and villages to levy and collect taxes for municipal purposes.
- 277 AN ACT to amend section forty-five (45) of chapter twenty-one (21) of the Political Code, relating to the manner of letting contracts by county boards.
- 278 AN ACT legalizing the acts of A. L. Bain as notary public of the Territory of Dakota.
- 281 AN ACT to legalize the acts of Allen M. Chaney as notary public of the Territory of Dakota.
- 284 AN ACT making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota.
- 288 AN ACT appropriating funds for the maintenance of the University of North Dakota at Grand Forks, D. T.
- 295 AN ACT to amend an act entitled "an act to amend chapter 30 of the Political Code, relating to the Territorial Militia."
- 299 AN ACT authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes.
- 300 AN ACT to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor.
- 301 AN ACT to suppress and prevent the spread of contagious and infectious diseases among domestic animals.
- 302 AN ACT to prevent the spread of contagious diseases among sheep.
- 304 AN ACT authorizing the Territorial Treasurer to purchase and deposit in the office of the Territorial Treasurer a time-lock safe for the use of such office.
- 305 AN ACT regulating the salaries of registers of deeds and county treasurers.
- 323 AN ACT appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes.
- 327 AN ACT to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota at Vermillion, and for other purposes.
- 335 AN ACT making an appropriation to pay deficiency in expense account at railroad commissioners and for railroad maps.

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- 336 AN ACT to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dakota.
- 343 AN ACT to amend section 1 of chapter 106 of the General Laws of 1881.
- 349 AN ACT to amend chapter 63 of the Session Laws of 1885, entitled, "An act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals, and for other purposes."
- 353 AN ACT to amend an act entitled "An act to provide for the re-location of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," which become a law March 11, 1887.

JOINT RESOLUTIONS AND MEMORIALS.

- 5 Joint Resolution for the purchase of seventy-two copies of the second edition of Levissee's Code for the use of the members of the Seventeeth Legislative Assembly.
- 50 Joint Resolution protesting against the removal of Fort Abraham Lincoln.
- 62 Joint Resolution praying for the speedy passage of a law providing for the opening of the Devils Lake Indian Reservation.
- 72 Joint Resolution to prohibit the sale or licensing of the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory of Dakota.
- 117 Joint Resolution providing for the printing of Long's Legislative Hand Book.
- 157 Joint Resolution to pay for chairs for use of the ladies visiting the Capitol.
- 164 Joint Resolution and Memorial to the Congress of the United States of America for the improvement of the Big Sioux river.
- 179 Joint Resolution providing for the payment of John P. Hoagland for repairing the hall of the House of Representatives.
- 193 Joint Resolution for the appointment of certain committees to visit the insane asylums and penal institutions of Dakota.
- 269 Joint Resolution for appointment of a joint committee on apportionment.

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- 273 Joint Resolution and Memorial to Congress praying for the construction of a dam for the improvement of navigation on the Red river.
- 337 Joint Resolution making an appropriation to pay for the printing of the biennial reports of Territorial officers and institutions for the fiscal years of 1885 and 1886.
- 345 Joint Resolution to provide for the payment of Aaron Cheatem and John Ostlund for hack hire during call of house.
- 351 Joint Resolution to provide for the payment of mileage of joint committees appointed to visit and inspect the territorial, charitable and penal institutions and Montana Delegation.

PASSED OVER THE EXECUTIVE VETO.

- Council Bill. No. 9. An act entitled "an act amending chapter 40, of the Special Laws of the Fifteenth General Assembly."
- House Bill. No. 42. An act authorizing the division of counties and for other purposes.