

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Fourth Day.
Council,
FRIDAY FORENOON.

Called to order by President Scobey at ten o'clock.

Prayer by the chaplain.
Reading of the journal.

Mr. Dewey thought rules 20 and 21 inconsistent.

After talking on the subject it was decided that on the first reading of a bill the question, "shall the bill be rejected", is before the house without any motion to that effect.

APPOINTMENT OF COMMITTEES.

The president then proceeded to appoint the following committees:

Judiciary—Roberts, Cass; Washabaugh, Lawrence; and Jerauld, Lincoln.
Education—Burdick, Clay; Walsh, Grand Forks, and Ziebach, Bon Homme.
Elections—Jerauld, Lincoln; Dewey, Yankton, and Burdick, Clay.

Appropriations—Ziebach, Bon Homme; Burdick, Clay, and Walsh, Grand Forks.
Railroads—Nickens, Stutsman; Washabaugh, Lawrence; and McIntosh, Aurora.

Territorial affairs—Jackson of Minnehaha, Nickens of Stutsman and McIntosh of Aurora.

Counties—Walsh of Grand Forks, McIntosh of Aurora and Ziebach of Bon Homme.

Public printing—Washabaugh of Lawrence, Ziebach of Bon Homme and Jackson of Clay.

Public buildings—Donaldson of Codington, Jackson of Minnehaha and Roberts of Cass.

Mines and minerals—Washabaugh of Lawrence, Donaldson of Codington and Nickens of Stutsman.

Charitable and penal institutions—Dewey of Yankton, Jackson of Minnehaha and Washabaugh of Lawrence.

Agriculture—McIntosh, Aurora; Donaldson, Codington, and Jackson, Minnehaha.

Enrolled and engrossed bills—Donaldson, Codington; Jerauld, Lincoln, and Burdick, Clay.

Insurance, banks and banking—Walsh Grand Forks; Jerauld, Lincoln, and Nickens, Stutsman.

Immigration—Jackson, Minnehaha; Jerauld, Lincoln, and Roberts, Cass.

Militia—Dewey, Yankton; Jackson, Minnehaha, and Roberts, Cass.

Incorporations—McIntosh, Aurora; Dewey Yankton, and Donaldson, Codington.

Rules—Scobey, Brookings; Nickens, Stutsman; Jackson, Minnehaha.

REPORT OF COMMITTEES.

Mr. Walsh, of the joint committee on rules for both houses when in joint session, made a report.

The rules as reported by the committee were read by the clerk.

Mr. Nickens moved to amend rule eight by extending its provisions for the safe keeping of joint resolutions to concurrent resolutions. Carried.

Mr. Dewey offered an amendment in the shape of a new rule, which provides that in joint sessions the officers of the council shall be the officers of the body and the officers of the house assistants.

At this point a message was received from the house announcing the adoption by that body of the report of the joint committee on rules.

Mr. Walsh thought it would now be impossible to amend the rules further in the council as they had been adopted in the house.

Mr. Nickens thought the committee action was not final and that the rules should go to the house as amended and the amendments be adopted by them.

Mr. Dewey's amendment was then adopted.

Mr. Walsh moved the adoption of the rules as amended. Carried.

NOTICE OF BILLS.

Mr. Jackson gave notice of a bill to amend section 15, 16, 17, 18 and 19 of chapter 118 of the laws of 1881.

Mr. Roberts gave notice of a bill to create and define the boundaries of the county of Steel.

Mr. Nickens gave notice of a bill to provide a charter for Jamestown, Stutsman county.

INTRODUCTION OF BILLS.

Mr. Jerauld introduced council bill No. 7, to repeal chapter 107 of the laws of the 14th legislative assembly.

The message from the house was then taken up.

Mr. Roberts moved that the report be returned to the house with the amendments made in the council. Carried.

READING OF BILLS.

Council bill No. 7 was read.

The president asked in what manner bills should be referred to committees. It was decided that the president should refer them to the committees without motion.

SECOND READING OF BILLS.

Council bill No. 2 was given its second reading.

Mr. Ziebach moved that rule 22 be so amended that on second reading of bills they be referred to committee unless objections are raised. Carried.

Council bill No. 3 was given its second reading.

Mr. Jerauld moved a suspension of the rules and that the bill be put on its third reading and passed. Carried.

The bill was read the third time and on the question, "shall the bill pass," all the members voted aye. This changes the name of Peder H. Halvorsen to Peter H. Hall.

Council bill No. 8 was now read.

Mr. Jerauld moved a suspension of the rules and that the bill be put on its third reading and passed.

This bill is to change the name of Paul O. Thompson to Paul O. Tomt.

Mr. Ziebach objected to such legislation, holding that the courts are the proper place to apply for such relief.

Mr. Jerauld spoke in support of his motion.

The motion was put and division called for. Motion lost.

Council bill No. 5 was read.

Mr. Nickens moved that the bill be read a third time under a suspension of the rules. Carried.

The bill was given its third reading and Mr. Jerauld moved an amendment which Mr. Nickens explained was unnecessary. Amendment withdrawn.

Mr. Dewey supported the bill and thought some such law should be made general.

On the question of its passage all voted aye.

This extends the time when taxes of 1882 become delinquent to the fourth Monday in May.

Council bill No. 6, to protect the fish in Spirit lake was given its second reading and referred to the committee on railroads.

Mr. Dewey offered a resolution that the judiciary committee examine and report their construction of the herd law.

Mr. Roberts and Washabaugh, members of the committee, objected, claiming that it was not the duty of the committee to deliver legal opinions.

Mr. Washabaugh moved that it be referred to a select committee. Amendment accepted.

Mr. Nickens asked for a re-reading of the resolution. Granted.

The ayes and nays being called the vote was as follows:

Ayes—Burdick, Dewey, Jackson, McIntosh, Nickens. Total, five.

Nays—Donaldson, Jerauld, Roberts, Scobey, Walsh, Washabaugh, Ziebach. Total, seven.

A message from the house was received stating that the house accepted the joint rules as amended by the council.

Mr. Ziebach introduced a resolution that the judiciary committee report what amendment in their opinion is needed by the herd law. Carried.

Mr. Ziebach moved to take a recess to two o'clock, p. m. Carried.

AFTERNOON SESSION.

Called to order at 2 o'clock

Mr. Ziebach from the committee on appropriations reported council bill No. 2 with an amendment—and with such amendment—recommended its passage.

On a motion by Mr. Walsh the rules were suspended and the bill passed and was sent to the house. All members voting aye.

Mr. Burdick moved to amend rule 21 so as to take away the right of a member to object to a bill at its first reading. Amendment adopted.

A message was received from the house announcing the receipt of an invitation to make a trip of inspection to the penitentiary at Sioux Falls, and announcing the appointment of a committee to confer with a similar committee of the council, to fix the day and date.

Also a message announcing that the house had ordered two hundred copies of the rules of the council and house and 2,500 copies of the governor's message printed.

COMMITTEE OF THE WHOLE.

The council then went into a committee of the whole to refer the governor's message.

After this work had been performed, Mr. Walsh, as chairman of the committee of the whole, made his report. Report adopted.

A TRIP TO SIOUX FALLS.

Mr. Walsh moved that the message from the house in regard to the trip to Sioux Falls be taken up and adopted. The president stated that he had a communication from the governor on the same subject.

Mr. Walsh withdrew his motion.

Mr. Jackson, as the member from the district in which Sioux Falls is situated expressed a wish that the committee would make arrangements for an extended stay in that city, and assured them a hearty welcome.

The committee on charitable and penal institutions was made a committee to confer with the committee appointed by the house to make arrangements for the trip.

Mr. Burdick moved that they leave Yankton on Monday morning and return by Tuesday noon.

Mr. Ziebach moved to amend the motion so as to let the committee fix the time. Amendment accepted. Carried.

The council then took an informal recess, from which it was called to order on receipt of a message from the house announcing the passage by that body of council bill No. 2.

Mr. Dewey, chairman of the committee to confer with the house committee in regard to the proposed trip reported in favor of leaving Yankton on Wednesday at 9:30, and returning Tuesday morning. Mr. Walsh moved the adoption of the report. Adopted.

Mr. Nickens moved to adjourn to 10 o'clock to-morrow. Carried.

HOUSE.

The house convened at ten o'clock, a. m., was called to order by the speaker.

Prayer by the chaplain.

Roll call showed all members in their seats.

The journal of the previous session was read and approved.

COUNCIL MESSAGE.

A message was received from the council announcing that the council had ordered printed one hundred copies of the rules and five hundred copies of the governor's message for the use of the council.

JOINT RULES.

Mr. Pyatt, from the committee on joint rules, reported that the council committee on the same work had been conferred with and the joint committee had agreed to report the joint rules of the last session as the joint rules of the present session, with an amendment to rule ten, permitting the re-introduction of a defeated measure upon the permission of two-thirds of either house or five days notice. The report was accepted and adopted.

RESOLUTIONS AND MOTIONS.

Mr. Sterling introduced a resolution ordering two hundred copies of the

rules for the use of the house, fifty of them to be deposited in the secretary's office for the use of the next legislature. The resolution was adopted.

Mr. Benson introduced a resolution ordering 2,500 copies of the governor's message for the use of the house.

Mr. Thompson moved to amend by making the number five instead of 2,500. The amendment was defeated—4 to 20—Messrs. McAllister, Thompson, Tychsen and Van Wert voting in the affirmative and all the rest in the negative.

The resolution was then adopted.

Mr. Pyatt moved that a standing committee of five on joint rules be appointed. The motion prevailed and Messrs. Pyatt, Rice, Sterling, Nowlin and Inman were appointed.

Mr. Sterling moved that the chief clerk be instructed to inform the council of the adoption by the house of the joint rules adopted by the committee. Adopted.

BILLS INTRODUCED.

By Mr. Thompson—House file No. 1—To vacate a portion of Phillips avenue, village of Sioux Falls.

STANDING COMMITTEES.

The speaker announced the appointment of the following standing committees:

1. Judiciary—Sterling of Beadle, Rice of Moody, Bowman of Lawrence, Pyatt of Richland, Wagner of Bon Homme, Nowlin of Pennington, and Inman of Clay.

2. Education—McAllister of Lake, Tychsen of Turner, Harvey of Walsh, Bowman of Lawrence and Inman of Clay.

3. Ways and means—Allred of Cass, Rice of Moody, Robinson of Bon Homme, Wynn of Yankton and Choteau of Lawrence.

4. Counties, townships and cities—Nelson of Pembina, Wagner of Bon Homme, Robinson of Bon Homme, Harvey of Walsh, Benson of Barnes, Allred of Cass and Choteau of Lawrence.

5. Public printing—Wynn of Yankton, Allred of Cass, Rice of Moody, Nelson of Pembina and Nowlin of Pennington.

6. Engrossed and enrolled bills—Hauser of Brown, McAllister of Lake, Pyatt of Richland, Schafer of Grant and Choteau of Lawrence.

7. Territorial affairs—Wagner of Bon Homme, Tychsen of Turner, Ellis of Union, Van Wert of McCook, Thompson of Minnehaha.

8. Agriculture—Ellis of Union, Tychsen of Turner, McAllister of Lake, Van Wert of McCook, Rinehart of Lawrence.

9. Banking and insurance—Inman of Clay, Benson of Barnes, Schafer of Grant, Towner of Grand Forks, Bowman of Lawrence.

10. Mines and mining—Bowman of Lawrence, Rinehart of Lawrence, Choteau of Lawrence, Benson of Barnes, Wynn of Yankton.

11. Railroads—Benson of Barnes, Sterling of Beadle, Wagner of Bon Homme, Nelson of Pembina, Bowman of Lawrence, Inman of Clay, Choteau of Lawrence.

12. Charitable and penal institutions—Wynn of Yankton, Robinson of Bon Homme, Harvey of Walsh, Rice of Moody, Rinehart of Lawrence.

13. Highways, bridges and ferries—Pyatt, of Richland; McAllister, of Lake; Wagner, of Bon Homme; Allred, of Cass; Rinehart, of Lawrence.

14. Immigration, Thompson, Minnehaha; Allred, of Cass; Pyatt, of Richland; McAllister, of Lake; Rinehart, of Lawrence.

15. Elections—Nelson, of Pembina, Pyatt, of Richland, Nowlin, of Pennington, Choteau, of Lawrence.

16. Indian affairs—Towner, of Grand Forks; Thompson, of Minnehaha, Ellis of Union, Hauser of Brown, Schafer of Grant.

17. Manufacturers—Van Wert of McCook, Schafer of Grant, Towner of Union, Nowlin of Pennington.

18. Public lands—Rice of Grant, Van Wert of McCook, Thompson of Minnehaha, Ellis of Union, Towner of Grand Forks.

19. Military affairs—Tychsen of Turner, Robinson of Bon Homme, Pyatt of Richland, Nowlin of Pennington, Inman of Clay.

20. Federal relations—Robinson of Bon Homme, Hauser of Brown, Sterling of Beadle, Nelson of Pembina, Towner of Grand Forks.

21. Public buildings—Harvey of Walsh, Robinson of Bon Homme, Van Wert of McCook, Thompson of Minnehaha, Towner of Grand Forks.

22. Rules—Pyatt of Richland, Rice of Moody, Sterling of Beadle, Nowlin of Pennington, Inman of Clay.

COMMITTEE OF THE WHOLE.

On motion of Mr. Inman, the house went into committee of the whole on the consideration of the governor's message, Mr. Thompson in the chair.

After a brief period

THE COMMITTEE ROSE

but neglected to make any report.

Mr. Bowman moved that the message be read by its headings and its various sections referred to appropriate committees. This motion was adopted but subsequently reconsidered, and, on motion of Mr. Sterling, the subject was postponed until to-morrow morning.

A RECESS

then occurred, subject to the call of the speaker. Recess was brought to and ended by a council message announcing an amendment to the joint rules, which was concurred in and the house adjourned to two o'clock, p. m.

AFTERNOON SESSION.

The house reconvened at two o'clock.

The speaker presented a communication from the governor, which stated that the Chicago, Milwaukee and St. Paul railroad company had placed a special train at the disposal of the legislature for a trip to Sioux Falls to inspect the penitentiary.

Mr. Wynn moved that a committee of three be appointed to confer with a coun-

cil committee relative to the proposed trip. Adopted, and Messrs. Wynn, Inman and Towner appointed.

COUNCIL MESSAGE.

A message from the council informed the house that the council had appointed a committee to confer with the house committee relative to the proposed visit to the penitentiary; also that the council had passed council bill number two, an act to employ an assistant sergeant-at-arms in each house and to provide for their compensation.

On motion of Mr. Inman, the rules were suspended and the bill had its several readings and the bill passed, Messrs. McAllister, Thompson and Mr. Tychsen voting in the negative, Messrs. Bowman and Rice not voting, and the balance voting in the affirmative.

On motion of Mr. Robinson a committee of three was appointed to wait upon the secretary of the territory and request him to provide the house with a hall possessing better ventilation. Messrs. Robinson, Nelson and Nowlin are the committee.

The committee to consult relative to the visit to the penitentiary, reported that they had agreed to go next Monday, and the report was adopted.

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