



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twelfth Day.

Council.

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

Prayer by the chaplain.

Roll call showed that all the members were in their seats except Mr. Burdick. Journal read and approved.

MESSAGE FROM THE HOUSE.

A message from the house was received, announcing the passage of council bill No. 3 by that body, and presenting to the council house files No. 2 and 3.

REPORT OF COMMITTEES.

Mr. Roberts, of the judiciary, handed to the secretary the report of the committee on council bill No. 12.

Mr. Washabugh, from the committee on public printing, to whom the secretary of the territory's communication on the subject of the laws, was referred, reported that the secretary had on hand 180 copies of the code, and about 20 copies of the session laws of 1881, but none of the session laws of 1879. He stated that the only codes on sale were held by the secretary, but that Bowen & Kingsbury had for sale the session laws of 1881 and 1879.

Mr. Nickens thought the committee should recommend an appropriation.

Mr. Washabugh stated that he should introduce a bill in regard to the matter when the proper time came.

The secretary then read the report of the judiciary committee on council bill No. 12, which with a slight amendment they recommended the passage of.

BILLS INTRODUCED.

By Mr. Jackson—Bill to amend section 306, chapter 33, of the penal code.

By Mr. Jackson—Bill No. 17, an act relating to summons in a justice court.

By Mr. Jackson—Bill No. 18, an act relating to summons in the district court.

By Mr. Washabugh—Bill No. 19, an act to provide for the purchase of copies of the session laws of 1879 and 1881.

Mr. Walsh moved that council bill No. 19 be put upon its second reading under a suspension of the rules. Carried.

Mr. Roberts moved that it be put upon its third reading and final passage under a suspension of the rules. Carried.

The bill provides that the secretary of the territory shall purchase 200 copies of the session laws of 1879, for which he shall pay not over \$1.75 per volume. That he shall purchase 164 copies of the laws of 1881, for which he shall pay not over \$2.75 per volume.

The bill provides for an appropriation of \$623, and also that all copies of the code and session laws shall be kept for distribution among county officers.

Mr. Walsh thought it did not provide for enough volumes, and that township officers should be included in its provisions.

Mr. Washabugh said they had made it so that the number of session laws would correspond with the number of codes.

Mr. Jackson was opposed to its passage because it did not provide for township officers.

Mr. Jerauld moved that the bill be amended so that township officers be included in it.

Mr. Ziebach thought the bill all right as it was, as it was a temporary matter; and it was more necessary to supply county than township officers.

Mr. Walsh thought there could be no objection to the amendments of Mr. Jerauld.

Mr. Dewey thought that the bill should be passed, and that before the end of the session arrangements should be made for a new code including the session laws of 1879 and 1881.

Mr. Jerauld moved his amendment be adopted. Lost.

On the question shall the bill pass, all members present voted aye except Mr. Jerauld, who voted nay. Absent, Nickens and Burdick.

SECOND READING OF BILLS.

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

No. 11—To amend the charter of the city of Grand Forks—committee on counties.

No. 13—To amend section 163, chapter 62 of the code of criminal procedure—committee on judiciary.

No. 14—To fix the fees of the clerks of the districts courts—committee on judiciary.

No. 15—To amend section 1735 of the civil code—committee on judiciary.

THIRD READING.

No. 12—To prevent the spread of the glanders among horses.

Mr. Dewey thought that it might be a great deal of trouble to find a veterinary surgeon.

HOUSE MESSAGE.

A message was received from the house announcing the passage of council bill No. 5, with an amendment by that body.

Mr. Dewey then offered an amendment to council bill No. 12, so as to have the examination made by a veterinary surgeon "or other competent persons."

Mr. Nickens objected to the amendment and moved to substitute one that the examining surgeon be compelled to produce a diploma from some veterinary school of good repute.

Mr. Dewey thought the matter should be tried by a jury.

Mr. Jackson moved that the bill be recommitted to the committee.

Mr. Roberts moved to amend by referring it to a select committee. Carried.

HOUSE FILES.

House file No. 2—To incorporate the city of Whapeton.

House file No. 3—To establish highways by consent.

The message from the house was then taken up and council bill No. 5 read a second time and amended by the house. The bill was to extend the time when

the taxes of 1882 shall become delinquent. It was amended by the house so as to include only certain counties.

Mr. Nickens moved the adoption of the amendment.

Mr. Walsh objected to it on the ground that it was special legislation.

Mr. Nickens supported the measure.

Mr. Roberts opposed it on the same ground as Mr. Walsh.

Mr. Nickens claimed that it was not special legislation.

Mr. President called Mr. Jerauld to the chair and took the floor for the purpose of speaking against the bill, as amended.

HOUSE MESSAGE.

A message from the house was received, asking the return of council bill No. 5.

Mr. Ziebach moved the request of the house be complied with. Carried.

The president then took the chair again and appointed Messrs. Jackson, Roberts and Dewey as the select committee on bill No. 12.

RECESS.

At 11:45 Mr. Jackson moved a recess of 15 minutes. Carried.

Called to order at 12 o'clock.

HOUSE MESSAGE.

A message was received from the house returning council bill No. 5, amended so as to apply to Stutsman county only.

Mr. Nickens moved to take up message from the house and moved to repeal the enacting clause of the bill. Carried.

Mr. Donaldson moved, at 12:10, to adjourn until 10 o'clock Monday morning. Carried.

House.

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

Prayer by the chaplain.

Roll call showed all the members in their seats excepting Mr. Hauser, who was excused.

The journal was read and approved.

COMMITTEE REPORTS.

Mr. Nelson, from the committee on counties and townships, reported back house file one, to vacate a portion of Phillips avenue, Sioux Falls, with a recommendation that it pass.

Mr. Wagner, from the committee on territorial affairs, reported back house file ten, to organize and maintain the university of Dakota, with amendments and a recommendation that it pass.

Mr. Alfred, from the committee on ways and means, reported back council bill five with amendments and a recommendation that it pass. It extends the time when the taxes of 1882 become delinquent.

NOTICES OF BILLS.

By Mr. Alfred—To incorporate the village of Buffalo.

By Mr. Rinehart—To define the boundaries of Lawrence county, and to create the county of Hale.

By Mr. Benson—to authorize school district one, Dickey county, to issue bonds for the construction of school houses, &c.

BILLS INTRODUCED.

By Mr. Benson—House file fifteen—to amend the act of incorporation of the village of Mandan.

By Mr. Wagner—House file sixteen—to amend the act, to locate, establish and endow the territorial normal school at Springfield.

By Mr. Schafer—House file seventeen—for the relief of sufferers from hail and rain storms in the counties of Grant and Deuel.

COUNCIL BILLS.

Council bill six, for the protection of fish in Spiritwood lake, had its first reading.

Council bill five, to extend to the fourth Monday in May the time when the taxes of 1882 become delinquent, reported from the committee on territorial affairs, came up for its third reading and passage, as amended, and was passed, Messrs. Schafer, Sterling, Thompson, Tychsen and Van Woert voting in the negative and all the rest in the affirmative. The bill as amended makes it a special instead of a general law and confines its application to the counties of Davison, Grant, Deuel, Hamlin, Codington, Clark, Spink, Brown, La Moure, Stutsman, Dickey, Kidder, Ransom, Burleigh and Morton.

HOUSE BILLS.

The following house bills had their second reading and were referred as indicated:

No. 12—Creating the county of Beeker—committee on counties and townships.

No. 13—To provide attorneys' fees in actions to enforce mechanics' liens—committee on judiciary.

No. 14—To provide for the election of clerks of district courts—committee on judiciary.

The following house bills had their third reading and were passed by unanimous vote:

No. 10—To provide for the organization and government of the university of Dakota. The amendments to the bill correct a clerical error in the first section and supply an omission in the eighteenth section. Otherwise the bill passed as printed.

No. 1—To vacate a portion of Phillips avenue, Sioux Falls.

MISCELLANEOUS BUSINESS.

Mr. Nelson, from the committee on counties and townships, reported back house file four, to authorize district one, Beadle county to issue bonds, with amendments, and recommended its passage. The report was adopted. The amendment provides that the bonds shall not be issued unless a majority vote of the voters in the school district shall favor their issuance.

Mr. Rice moved that the clerk be instructed to request the council to return council bill five to the house. Adopted.

Council bill five was returned from the council and, on motion of Mr. Rice, the vote by which it was passed was reconsidered and the bill was again before the house on its third reading.

Mr. Thompson moved that further consideration of council bill five be indefinitely postponed. Lost.

On motion of Mr. Nowlin, the bill was recommitted to the committee on ways and means. The committee proceeded to set upon the reference and in a few

minutes reported council bill five back to the house amended so as to strike out all the counties in which taxes are to be extended excepting Stutsman county. The report was adopted.

Council bill five was then re-passed by unanimous vote. As corrected it provides only for the relief of Stutsman county.

ADJOURNMENT.

The house at noon adjourned to ten o'clock Monday morning.

Session Notes.

Council bill No. 14, introduced by Mr. Burdick, of Clay county, in a document which promises to be of public interest. It provides that the clerks of the district courts shall be entitled to charge and receive for their fees and services the following fees and no more: On filing the complaint in any action, a commencement fee of \$1.50; on taking judgment by default on simple money demand, \$1; judgment on trial by jury (money demand), \$2.00; judgment on trial by court (money demand), 1.50; taking and entering decree in cases of foreclosure, divorce or other decree, by default, \$3.00; same, on trial by court, \$3.00; same on trial by jury, \$4.00; general execution, 50c; special execution, \$1.00; entering confirmation of sale, 50c; entering and docketing transcript of judgment from a justice of the peace, \$1.00; appeal from justice's courts, same fees as an original action commenced in district court; issuing warrant of attachment, 50c; taking and approving bond, 50c; issuing writ of injunction or habeas corpus, \$1.00; issuing warrant of arrest, \$1.00; for each continuance, per term, 50c; administering oath, except to witness or juror, 10c; certificate and seal, 25c; taking acknowledgment, 50c; taking and certifying depositions, per folio of one hundred words, 15c; making abstract of judgment to be filed in another county, 50c; filing and docketing abstract of judgment from another county, 50c; filing and docketing mechanic's lien, 50c; drawing jury and issuing venire for same for a term of court, each jury, \$2.00; for each day's attendance at court while actually in session, \$5.00; making transcript of any record or paper under his control per folio of 100 words, 10c; fees in matter of alien's declaration to become a citizen of the United States, \$1.00. fees in matter of alien's admission as a citizen of the United States, \$2.00; in criminal cases, the same fees as in civil cases.

Mr. Wagner's house bill to amend the act locating and authorizing the normal school at Springfield provides that the quantity of land required to be donated by the people of Springfield to the school be reduced from eighty acres to twenty acres. It is found impossible to procure eighty acres in a compact body within the limits of Springfield.

Mr. Rinehart has given notice of a bill to create the county of Hale, in the Black Hills. His proposition is to form the new county from the eastern end of Lawrence county.

Council bill No. 5 was killed in the council this morning after a stormy discussion. It was returned from the

house this morning amended by that body and on the question of the adoption of the amendments the liveliest discussion of the session was provoked. When this was at its height a message was received from the house asking its return to that body from which, after a few moments, it was returned amended so as to apply only to Stutsman county. It was then killed by Mr. Nickens, of that county moving to strike out the enacting clause. This bill provided that in certain counties the taxes of 1882 should not become delinquent until the first Monday in May.

Council bill No. 12, a bill introduced by Mr. Scobey to prevent the spread of the glanders among horses, created considerable discussion in the house this morning, several gentlemen thinking that the horse was not sufficiently protected. However, it seems as though if people are willing to trust their life and liberty to a jury of twelve men a glandered horse ought to be willing to run the same chances. Perhaps however, to fully protect him, the horse should be allowed to set up the plea of insanity as a valid defense.