



DAKOTA'S LEGISLATURE.

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

Sixteenth Session—Fourteenth Day.

Council.

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

Prayer by the chaplain.

Roll call showed all the members in their seats.

REPORTS OF COMMITTEES

Mr. Walsh from committee on insurance reported back bill No. 10, amended to include all public buildings over two stories high with the recommendation that it pass.

Mr. Roberts, of the judiciary, reported back council bill ten with the recommendation that it pass.

Mr. Walsh moved the adoption of the proposed amendment to council bill ten. Carried.

APPORTIONMENT.

Mr. Walsh moved the appointment of a committee of five on apportionment. Carried.

NOTICES OF BILLS.

Mr. Jernald gave notice of a bill to prevent the importation of Texas and Cherokee cattle.

BILLS INTRODUCED.

Mr. Niekus—Council bill twenty—to amend chapter 46 of the laws of 1879.

Mr. Niekus—Council bill twenty-one—to amend section 104 of the code of civil procedure.

Mr. Niekus—Council bill twenty-two—An act authorizing county commissioners to grant licenses for the sale of liquor in unorganized counties or territory.

Mr. Donaldson—Council bill twenty-three—to amend section 45, chapter 24, of the political code.

Mr. Walsh—Council bill twenty-four—An act to repeal from section 537 to section 615, inclusive, of the code of civil procedure.

Mr. Walsh introduced a memorial to congress asking that no change be made in the homestead or pre-emption laws.

Mr. Walsh moved a suspension of the rules and that the memorial be read a second time. Carried.

Mr. Roberts moved further suspension of the rules and that the memorial be put upon its third reading. Carried.

Mr. Jackson thought the timber culture law should be amended.

Mr. Walsh stated that the memorial did not apply to that.

HOUSE MESSAGE.

A message was received from the house announcing the passage of house files No. 2 and No. 10 by that body and presenting them to the council for their consideration.

Mr. Niekus and Mr. Ziebach each spoke in favor of Mr. Walsh's memorial, and upon the question of its passage all members voted aye.

SECOND READING.

The following council bills then had their second reading and were referred to as indicated.

No. 16—To make obscene language a misdemeanor—committee on judiciary.

No. 17—An act relating to summons in justice court.

No. 18—An act relating to summons in district court.

THIRD READING.

The following bills were read a third time and put upon their final passage:

No. 4—A bill to change the name of Paul O. Thompson to Paul O. Tomt.

Upon the question of its passage all members voted aye except Mr. Ziebach, who voted nay.

Bill No. 10—An act to provide fire escapes for hotels and other public buildings.

Upon the question of its passage all members voted aye.

HOUSE FILES.

The following house files were then given their second reading.

No. 2—To incorporate the city of Whapeton.

No. 3—An act to establish public highways by consent.

COMMUNICATIONS.

A communication was read by the secretary, from W. H. Munroe, commander of Phil Kearny post of the G. A. R., extending an invitation to the council to be present at the lecture of Chief Justice Edgerton, at the Grand Army hall, on Wednesday evening next.

Mr. Walsh moved to accept the invitation. Carried.

At 11 o'clock Mr. Roberts moved a recess of 30 minutes. Carried.

HOUSE MESSAGE.

At 11:15 a message was received from the house and Mr. President being temporarily absent from the room, Mr. Ziebach called the council to order and the message was received.

The message announced the passage by the house of the following house files:

No. 6—For the relief of the sufferers by hail in Lawrence county.

No. 9—To amend section 25 of the justice code.

No. 4—To allow school district No. 1 of Beadle county to issue bonds to take up war wants already issued.

No. 12—To provide attorney fees in cases brought to enforce mechanics liens.

President pro tem Ziebach declared recess again.

At 11:30 council was called to order by President Scobey, the house message taken up for consideration, and the files read.

Mr. Burdick by unanimous consent introduced a memorial to congress asking that the representation in the territorial legislature be increased to twenty-five members in the council and twenty-five in the house.

Mr. Burdick moved that the rules be suspended and the memorial read a second time. Carried.

Mr. McIntosh moved a further suspen-

sion of the rules and that the memorial be read a third time and put upon its passage.

Mr. Ziebach stated that he should like to see it referred to a committee, and also stated that he thought it should be amended by offering to pay the expense of the increase out of the territorial treasury.

Motion lost.

The memorial was then referred to the committee on printing.

ADJOURNMENT.

At noon the council adjourned to ten o'clock to-morrow morning.

HOUSE.

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

Prayer by the chaplain.

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

The journal was read and approved.

AN INVITATION.

The speaker presented a communication from Phil Kearney post, G. A. R., inviting the house to attend Chief Justice Edgerton's lecture at Grand Army hall on the evening of the 24th inst.

COMMITTEE REPORTS.

Mr. Sterling, from the committee on judiciary, reported house file—six to relieve sufferers from hail storm in Lawrence, Pennington and Custer counties—with amendments and a recommendation that it pass.

Also house file eight—to punish rape on children over ten years old with death—with a recommendation that it do not pass.

Also house file thirteen—to provide attorneys fees in actions on mechanics liens—with a recommendation that it pass.

Also a substitute for house file nine—to amend section twenty-six of the justice code,—with a recommendation that it pass.

NOTICES OF BILLS.

By Mr. Nelson—to create the county of Benson and to define the boundaries of Ramsey and Foster counties.

By Mr. Bowman—to protect quail in the counties of Mandan, Lawrence, Pennington and Custer.

By Mr. Van Woert—to amend paragraph fourteen, section two, chapter twenty-eight of the revised code, entitled revenue.

By Mr. Wynn—to legalize the acts of E. T. White as notary public.

BILLS INTRODUCED.

By Mr. Pyatt—House file 18—to employ clerks for the committees on judiciary, in both houses.

By Mr. Nowlin—House file 19—to fix the compensation of assessors in the counties of Pennington and Custer.

By Mr. Benson—House file 20—to incorporate the village of Ellendale, Dickey county.

By Mr. Benson—House file 21—to authorize school district one, Dickey county, to issue bonds.

By Mr. Alfred—House file 22—to incorporate the village of Buffalo, Cass county.

By Mr. Sterling—House file 23—to provide for attorneys' fees in actions for forcible entry and detainer in justices courts.

COUNCIL BILL

No. 6 had its second reading and was referred to the committee on judiciary.

HOUSE BILLS.

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

No. 15—Amending the incorporation act of the village of Mandan—to committee on counties and townships.

No. 16—to amend the act establishing a normal school at Springfield—to the committee on education.

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

No. 4—authorizing school district one, Beadle county, to issue bonds—passed, as amended in committee, by unanimous vote.

No. 6—for the relief of sufferers from hail storms in Lawrence, Pennington and Custer counties—passed by unanimous vote after being amended so as to strike out the words Pennington and Custer.

No. 8—to punish rape on children under ten years of age with death—reported from the judiciary committee with a recommendation that it do not pass. Recommendation adopted.

No. 9—to amend section twenty-six of the justice code—reported from the judiciary committee by substitute. Substitute adopted and passed by unanimous vote, Mr. Thompson being excused from voting. The bill gives courts the privilege of furnishing relief from judgments by default taken by mistake, inadvertence, surprise or excusable neglect.

No. 13—to provide for attorneys' fees in actions to enforce mechanics' liens—reported favorably from committee, was passed by unanimous vote.

COUNCIL MESSAGES.

Messages were received from the council announcing that council bill five, amended in the house, had been further amended in the council, by striking out the enacting clause; also, that the council had passed council bill nineteen and asking concurrence; also, that the council had passed a memorial to congress and asking concurrence.

THE COUNCIL MEMORIAL

To the president and the congress of the United States asking that there be no repeal of the pre-emption law and no modification of the homestead law, had its first reading and was ordered printed.

ADJOURNMENT.

The house, at 11:30 a. m., adjourned to 10 o'clock on Tuesday.

Session Notes.

Mr. Burdick this morning introduced a memorial to congress asking that the membership of the territorial legislature be increased to twenty-five members in the council and seventy-five members in the house. The memorial sets forth the facts that we have now 350,000 population, that we have forty organized counties and at least twenty more which have a

sufficient population to entitle them to organization. It figures the increase of next year at 100,000, basing this estimate on the increase of 1892.

Judging from present appearances the memorial will pass the council by a unanimous vote.

Mr. Walsh this morning introduced a memorial to congress, in the council, asking that the pre-emption law be not abolished, and that no modifications be made in the homestead law. The memorial sets forth the facts that should the proposed repeal of the pre-emption and modification of the homestead laws take place, it will leave the United States land laws much less liberal in their provisions than the laws of the British government in Manitoba. Such action as this would certainly be a calamity to the people of the northwest.

Mr. Nickens introduced a bill this morning providing that the county commissioners of any county having annexed to it for judicial purposes any unorganized county or territory shall have power to issue license for the sale of liquor in such unorganized county or territory.

Mr. Walsh introduced a bill into the council this morning to repeal from section 597 to section 615 inclusive, of the code of civil procedure. This is that portion of the law which provides for the foreclosure of a mortgage by advertisement.

The wave of democracy has at last rolled over Dakota. Its council has this day been presided over by a democrat. During recess this morning President Scooby stepped from the room and while so absent, a message arrived from the house. Mr. Ziebach, who is the recognized leader of the democratic party in the council, at once stepped to the president's desk, called the council to order, and received the message. The effects of this move on Dakota's claim for admission in the democratic congress, will be watched with interest.

Mr. Benson introduced a bill in the house Saturday, by request, to create the county of Becker from portions of Dickey, Ransom and Brown counties, and it appears that Mr. Becker, of Ellendale, is on the ground to see that the measure goes through. There have been some suggestions relative to an amendment of the orthography of the proposed name of the proposed new county, but none of them will probably stand.

Mr. Rice's house bill, providing the death penalty as the punishment for rape on girls under ten years of age was killed this morning by an adverse report from the committee on judiciary. The statutes, as they now stand, fix the maximum punishment for this heinous crime at only ten years' imprisonment. This is not sufficient, and the statute should be amended to at least a life sentence. It is an offence which possesses no extenuating circumstances and one in which the victim is absolutely helpless. Its growing frequency demands the attention of our law makers, and the most rigorous statutory enactment should come out of the present session of the legislature, otherwise mob law and the rope will be invoked.

There is a decided disposition among the members of the legislature to effect a modification of the exemption law. It is badly needed in the interest of the people and the good name of our territory.

A gentleman who has figured the thing up says the proposed fee bill for district court clerks will increase their compensation thirty-three and one-third per cent.

Mr. Bowman gave notice to-day of the introduction of a bill to protect quail in the counties within the Black Hills division of the territory. A movement is on foot for stocking the Hills counties with quail and the province of Mr. Bowman's bill is to prohibit all persons from shooting those birds in the counties of Lawrence, Mandan, Pennington and Custer for a period of five years.

Mr. Nelson's bill, of which notice has been given in the house, for the creation of the county of Benson, will ask for a portion of the west half of Ramsey county and a portion of the east half of DeSmet county. Benson county, as proposed, will take in the celebrated Devil's lake region, and is destined to become one of the most populous counties in Dakota. It will be made up of about twenty-four townships.