



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Nineteenth Day.

Council.

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

Prayer by the chaplain.

Roll call showed all the members in their seats except Messrs. Jerould and Donaldson.

Journal read and approved.

Mr. Donaldson arrived during the reading of the journal.

Mr. Burdick moved a reconsideration of the vote by which council bills 17 and 18 were rejected, and that these bills be made a special order in committee of the whole on next Wednesday. Carried.

Mr. Jackson moved that the vote by which house file one was passed be reconsidered, and that the consideration of house file one be indefinitely postponed. Carried.

BILLS INTRODUCED.

By Mr. Ziebach—council bill forty—to provide for the collection of debts by garnishment.

By Mr. Scobey—council bill forty-one—to amend section 333 of the code of civil procedure. No property shall be exempt from an execution for purchase money of the property claimed to be exempt.

By Mr. Scobey—Council bill forty-two—to amend section 300 of the code of civil procedure. In relation to the docking of judgments.

By Mr. Roberts—council bill forty-three—to create the office of county auditor.

SECOND READING.

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

37—to amend the laws regarding divorce—committee on judiciary.

38—An act for the relief of the tax payers of Davison county—committee on territorial affairs.

39—An act to create the office of district attorney for the different counties—committee on judiciary.

THIRD READING.

The following bills were read a third time and put upon their final passage: 32—An act to provide fees for the prevailing party in case of foreclosure of a mortgage by advertisement.

The vote on its passage was: Ayes—Burdick, Donaldson, Jackson, McIntosh, Washabaugh, Scobey, Nickens. Total, 7.

Nays—Dewey, Roberts, Walsh, Ziebach. Total, 4.

33—In relation to obtaining title in cases of foreclosure of mortgage by advertisement.

Mr. Donaldson moved that it be referred to a committee of the whole for consideration to-day. Carried.

34—To authorize Jacob Branch administrator, to sell real estate.

On its passage all voted aye except Mr. Walsh, who did not vote.

HOUSE MESSAGE.

A message from the house was received announcing the passage of council bill ninety-seven.

HOUSE FILES.

The following house files were then given their second reading and referred to committees as indicated:

House file No. 16—committee on education.

House file No. 24—committee on judiciary.

House file No. 25—committee on territorial affairs.

House No. file 27—committee on judiciary.

House file No. 28—committee on judiciary.

House file No. 29—committee on judiciary.

COMMITTEE OF THE WHOLE.

At 11 o'clock the council went into a committee of the whole to consider the reports of committees, Mr. Burdick in the chair.

At 11:20 the committee arose to report. The report was as follows:

House file 15—committee on incorporations recommend its passage.

House file 23—committee on judiciary recommend its passage.

Council bill 20—committee on railroads recommend its passage.

Council bill 33—Was made a special order. The committee on judiciary reported in favor of its passage. The report was rejected by the committee of the whole and said committee recommend that it do not pass.

Mr. Roberts moved to accept the report of the committee.

Mr. Dewey moved to amend the motion so as to accept the report except as to council bill thirty-three. Carried.

Mr. Dewey moved to re-commit council bill thirty-three to the general file. Carried.

ADJOURNMENT.

At 11:30 the council adjourned to ten o'clock Monday morning.

House.

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

Prayer by the chaplain.

Roll call showed all members in their seats, excepting Mr. Tyehsen and Mr. Speaker.

The journal was read and approved.

Mr. Speaker pro tem stated that Mr. Tyehsen desired leave of absence until Monday evening. Granted.

Mr. Thompson asked unanimous consent to have his vote changed on the passage yesterday of house file No. 5, the liquor license bill, from the negative to the affirmative.

The house refused to grant the request.

COMMITTEE REPORTS.

Mr. Nelson, from the committee on counties, reported

house file No. 30, defining the boundaries of the county of Hyde, by substitute, with favorable recommendation.

The same gentleman from the same committee, reported back house file 32—to amend the incorporation act of the village of Scotland, recommending its passage.

NOTICES OF BILLS.

By Mr. Sterling—to repeal section 21, of chapter 28, of the political code, entitled Revenue.

By Mr. Sterling—to amend section three of chapter twenty-one of the political code.

By Mr. Bowman—to amend section 582 of the code of criminal procedure.

By Mr. Bowman—to create a board of immigration, &c.

By Mr. Rinehart—to repeal chapter 123 of the laws of 1881—the registration law.

By Mr. Choteau—to amend sections 8, 9, 11, 12, 19, 40 and 83 and repeal sections 45 and 84 of an act to incorporate Deadwood.

BILLS INTRODUCED.

By Mr. Rinehart—House file No. 44, repealing chapter 85 of the session laws of 1881.

By Mr. Benson—House file No. 45, defining the boundaries of Steele county and for other purposes.

By Mr. Hauser—house file No. 46—to authorize school district No. 3, of the county of Brown to issue bonds for the purpose of building a school house.

COUNCIL BILLS, 1ST READING.

Council bill 34—a joint resolution providing for a joint committee to prepare a bill to provide for calling a constitutional convention, was read the first time.

COUNCIL BILLS—THIRD READING.

Council bill No. 19—to provide for the purchase and distribution of the laws, was then read a third time and passed by a unanimous vote.

HOUSE BILLS—SECOND READING.

House file No. 42—to regulate applications for pardons, was read and referred to the judiciary.

House file 41—Defining the force and effect of instruments heretofore recorded in the office of register of deeds, but not legally entitled to record, was referred to judiciary.

House file No. 43—to amend section eighty-eight, of chapter fourteen, of the session laws of 1879, entitled Education, was referred to the judiciary.

House file No. 39—to authorize the commissioners of Beadle county, to provide for the erection of a court house and jail, was referred to the committee on public buildings.

House file No. 40—to legalize the record of deeds, mortgages and other conveyances of land, when the record shows no seal to the certificate of the officer before whom the instrument was acknowledged, was referred to the committee on judiciary.

HOUSE FILES ON THIRD READING.

On motion of Mr. Sterling, the substitute for house file No. 30—to define the boundaries Hyde county—was adopted,

and the bill was then passed. (See session notes for boundaries.)

House file No. 32—to amend an act to incorporate the village of Scotland, was then passed.

The chief clerk reported that he had made an unsuccessful effort to procure maps of the territory for the use of the members.

The House was then called to recess.

AFTER RECESS.

A message was received from the council announcing the passage by that body of house file No. 9, to amend section 26 of the justices code, with amendments.

ADJOURNMENT.

On motion of Mr. Choteau the house then adjourned until Monday at 10 a. m.

Session Notes.

The new county boundaries of Hyde county as defined by the substitute bill which passed the house this morning are thus described: Commencing at the southeast corner of town 109, north of range 71, thence north on range line between ranges 70 and 71, to its intersection with the third standard parallel, thence west on said third standard to the southeast corner of town 113, range 71, thence north between 70 and 71 to the fourth standard parallel, thence west to the northwest corner of township 116, range 73, thence south between ranges 73 and 74 to the third standard parallel; thence east on the third standard to the northwest corner of township 112, range 73, thence south between ranges 73 and 74 to the main channel of the Missouri river, thence down the main channel of the river to the 2d standard parallel, thence east on the 2d standard parallel to the southeast corner of section 100, range 71, the point of beginning.

Chaplain Travis, of the house, in his petition to the throne of grace this morning, made a very significant appeal that the members might be strengthened to treat with withering scorn the blandishments of the briber, from which we infer that the chaplain apprehends that the tempter is sojourning at the capital.

House file No. 44, which was introduced this morning, repeals the law giving to Judge Moody extra compensation.

Mr. Roberts, this morning, introduced a bill to create the office of county auditor. Several of the newspapers of the territory have spoken in favor of the creation of such an office.

The council this morning, by a unanimous vote, reconsidered the vote by which house file one was passed yesterday. The item clipped from the Sioux Falls Press, and published in the Press and Dakotian yesterday, appears to have awakened the members as to the real object of the bill. The bill it will be remembered is one to vacate a part of Phillips avenue, in the city of Sioux Falls, and was introduced into the house by Mr. Thompson, the member of that body from Minnehaha county. It is but fair to state that Mr. Jackson, the member of the council from

the same county, says that he wrote to

Sioux Falls about the matter, and while there talked with several gentlemen on the subject and no one seemed to raise any objection, consequently he voted for it upon its passage.