



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-First 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 except Mr. Jerauld.

Journal read and approved.

HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of house files No. thirty and thirty-two.

COMMITTEE REPORTS.

Mr. Donaldson, from committee on engrossed and enrolled bills, reported council bills 22, 23, 28 and 16 correctly engrossed.

NOTICE OF BILLS.

Mr. Donaldson—An act to adjust the indebtedness of newly created counties.

BILLS INTRODUCED.

Mr. Ziebach—forty-five—a joint resolution providing for the printing of the biennial reports of the territorial auditor and treasurer.

SECOND READING.

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

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—committee on judiciary.

Council bill forty-two—to amend section 300 of the code of civil procedure—providing for the docketing of judgments—committee on judiciary.

Council bill forty-three—to create the office of county auditor—committee on territorial affairs.

THIRD READING.

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

Council bill twenty—to amend chapter 46 of the laws of 1881—inserting the words "any railroad company authorized to construct and maintain a road in this territory." On its passage all members voted aye.

Council bill thirty-three—In relation to obtaining title by foreclosure of mortgage by advertisement.

Mr. Roberts moved that the bill be re-committed to the committee on judiciary. Carried.

HOUSE FILES.

House files 30 and 32 were given their first reading.

THIRD READING.

The following house files were then given their third reading and put upon their final passage.

Nineteen—All members voted aye.

Twenty-six—All members voted aye.

Fifteen—All members voted aye.

Mr. Jackson moved that Mr. Jerauld be excused from attendance on the present session. Carried.

At 10:20 the council went into committee of the whole to consider the reports of committees, Mr. Washabaugh in the chair.

At 11 o'clock the committee arose to report. The report was as follows: House file seven—committee on insurance recommend its passage. The committee of the whole recommend that it be laid on the table to be called up at the convenience of the council.

House file twenty-five—Committee on territorial affairs recommended its passage.

Council bill thirty-eight—committee on territorial affairs recommended its passage.

Report accepted. The president then announced that several council bills had been overlooked upon the call for bills on their third reading and that the council would now revert to that order.

Council bill sixteen—making obscene language a misdemeanor.

On the question of its passage all members voted aye except Mr. Walsh, who voted nay and gave as his reason for so doing that he thought the law would be a dead letter.

Council bill twenty-two—provides for the issuing of licenses for the sale of liquor in unorganized counties, by the board of commissioners, in the county to which such unorganized county is attached for judicial or other purposes.

Mr. Jackson asked unanimous consent to offer an amendment making it read "may issue" instead of "shall issue." Mr. Burdick objected.

Mr. Walsh thought the bill all right as it was.

On its passage the vote was as follows: Ayes—Burdick, Donaldson, Nickens, Roberts, Walsh, Ziebach, Scooby. Total 7.

Nays—Dewey, Jackson, McIntosh, Washabaugh. Total 4.

Mr. Nickens moved to reconsider the vote and that the motion to reconsider be allowed to lie upon the table. Carried.

Council bill twenty-three—to amend section 45, chapter 24 of the political code. In relation to the manner of levying taxes for street improvement, making width of street frontage the basis of taxation instead of last assessment.

On its passage all members voted aye except Messrs. Dewey and Nickens, who voted nay.

Council bill twenty-eight—to provide for a board of education for Sioux Falls. On its passage all members voted aye except Mr. Scooby, who voted nay.

Mr. Washabaugh, by consent, introduced council bill forty-six—an act supplementary to chapter 28 of the political code. In relation to collection of delinquent taxes by suit.

Mr. Dewey, of the committee on charitable and penal institutions reported that the committee had agreed on 12 o'clock m. of Wednesday next as the time for visiting the insane asylum by the legislature.

Mr. Dewey moved a suspension of the

rules, and that the resolution reported by the committee be put upon its passage. Carried.

On the passage of the resolution all the members voted aye except Mr. Roberts, who voted nay.

ADJOURNMENT.

At 11:30 the council adjourned to 10 o'clock to-morrow.

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, Mr. Robinson and Mr. Speaker. Mr. Robinson was excused from attendance.

The journal was read and approved.

COMMITTEE REPORTS.

Mr. Sterling, from the judiciary committee, reported house file 43, to amend section 88, chapter 14, laws of 1879, relating to education, with a recommendation that it be referred to the committee on education—so referred; also council bill 13, with a recommendation that it pass as amended; also house file 42, to regulate applications for pardons, with a recommendation that it pass.

NOTICES OF BILLS.

By Mr. Choteau—to provide for the donation of bonds by the city of Deadwood to the Black Hills and Fort Pierre railroad, the issuing of bonds to be left to a vote of the city.

BILLS INTRODUCED.

By Mr. Wagner—House file 47—to require railroad companies to construct fences in certain cases.

By Mr. Kinchart—House file 48—to repeal chapter 122 of the laws of 1881, providing for the registration of voters and to prevent fraudulent voting.

By Mr. Sterling—House file 49—to repeal section 21, chapter 28 of the political code, entitled revenue.

By Mr. Sterling—House file 50—to amend section three, chapter 21 of the political code.

THE COUNCIL

returned house file 9—to amend section 26, justice code—with certain amendments.

Messrs. Sterling and Rice objected to concurrence in the council amendments.

Mr. Pyatt moved that the house do not concur and that a committee of conference be appointed. Adopted, and Messrs. Pyatt, Nowlin and Rice appointed as such committee. The bill is an amendment to section 26 of the justice code.

COUNCIL BILLS.

Council bill 44—a joint resolution relative to the calling of a constitutional convention—had its second reading, was referred to the judiciary committee and ordered printed.

Council bill 13—amended in judiciary committee—came up for its third reading and passage. The amendment was adopted and the bill passed, Messrs. Nowlin, Thompson and Towner voting in the negative and all the rest present in the affirmative.

HOUSE BILLS.

House file No. 44, repealing chapter eighty-five of the session laws of 1881, which provides for extra compensation to Judge Moody, had its second reading and was referred to a special committee of the members of the Black Hills.

House file No. 45—defining the boundaries of Steele county and for other purposes, had its second reading and was referred to the committee on counties, towns and cities.

House file 46—to authorize school district No. 3, of the county of Brown, to issue bonds for the purpose of building a school house—had its second reading and was referred to the committee on education.

House file 42—to regulate applications for pardons—was passed, Mr. Nelson being excused from voting and all the rest present voting in the affirmative.

A COUNCIL MESSAGE

informed the house that the council had passed council bills 22 and 34.

COUNCIL BILL THIRTEEN.

Mr. Pyatt gave notice of a motion to reconsider the vote by which council bill 13 was passed by the house. The bill as amended increases the maximum number for a grand jury from sixteen to eighteen. The original bill made the maximum twenty-three, and Mr. Pyatt moves a reconsideration for the purpose of restoring the maximum provided in the original bill.

CORRECTLY ENROLLED.

Mr. Hauser, from the committee on engrossment and enrollment, reported house file four—authorizing school district number one, Beadle county, to issue bonds—as correctly enrolled.

ADJOURNMENT.

The house, at 11:45 a. m., on motion of Mr. Pyatt, adjourned to ten o'clock Tuesday morning.

Session Notes.

Mr. Choteau's notice of a bill permitting Deadwood to give bonds to the Black Hill & Fort Pierre railroad company contemplates the enactment of a special law which will give the city of Deadwood permission to vote bonds to the narrow gauge line now running from Lead City to within twelve miles of Rapid City. The Deadwoodites desire to fill the gap of four miles between Deadwood and Lead City and are willing to pay for it.

Mr. Sterling's proposed amendment to section three, chapter 21 of the political code—house file 50—reads as follows: Said county commissioners, after having qualified according to law should appoint all the county officers of said county required by law, who, after having qualified shall hold their office until the first Monday in January after the next general election and until their successors shall have been elected and qualified.

The fact that on this, the twenty-first day of the session, the house committee on enrolled and engrossed bills made its first report shows that the legislature is not making undue haste in the transaction of business. As yet no house bills have been signed by the speaker, consequently none have gone to the governor.

Neither have there been any communications received from the governor, excepting his biennial message, since the session began. These are peculiarities in the present session which have no parallel in the experiences of the past. Usually there is a large amount of business in the hands of committees by the twentieth day of the session.

It is expected that the elections committee will make its report to-morrow on the contested case from the seventh district.