

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-Third 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 seat except Mr. Jerauld.

Journal read and approved.

HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of council bills twelve and thirteen, and also house file twenty-two.

COMMITTEE REPORT.

Mr. Donaldson, from committee on engrossed and enrolled bills, reported council bill nineteen properly engrossed.

NOTICE OF BILLS.

Mr. Nickens—An act regulating marriage and providing for the keeping of a record of all marriages, by the register of deeds.

CONSIDERATION OF MESSAGES.

The amendment to council bill sixteen makes the grand jury consists of not less than sixteen nor more than eighteen members, instead of not less than sixteen nor more than twenty-three as stated by the original bill.

Mr. Washabaugh moved that the council refuse to concur in the house amendment and that a conference committee of three be appointed. Carried.

Messrs. Washabaugh, Jackson and Donaldson appointed such committee.

Council bill twelve, which provides for the destruction of glandered horses was slightly amended by the house but not in such way as to materially affect it.

Mr. Walsh moved that council concur in the house amendment. Carried.

BILL INTRODUCED.

By Mr. Walsh—Council bill fifty-three—an act to regulate wheat elevators and the grading of wheat in the same.

SECOND READING.

The following council bill was given its second reading and referred to committee as indicated:

Council bill forty-nine—to incorporate the city of Sioux Falls—committee on incorporations.

THIRD READING.

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

Thirty-five—to allow husband or wife to sell real estate in certain cases.

All members voted aye except Mr. McIntosh, who did not vote.

Thirty-seven—Changing the laws in regard to divorce. On the question of its passage the vote was as follows:

Ayes—Burdick, Jackson, Scooby.

Nays—Dewey, Donaldson, McIntosh, Nickens, Roberts, Walsh, Washabaugh, Ziebach.

Forty-two—to amend section 300 of civil procedure. Providing for the docketing of judgments. All voted aye.

HOUSE FILES.

House file twenty-two was given its first reading.

SECOND READING.

The following house file was then given its second reading and referred to committee as indicated:

Forty-two—committee on judiciary.

THIRD READING.

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

Twenty-four—All voted aye.

Twenty-seven—All voted nay except Mr. Walsh, who voted aye.

Twenty-eight—all voted nay except Mr. Scooby, who voted aye.

Twenty-nine—All voted aye.

Mr. Jackson moved that Mr. Jerauld be excused from attendance on to-day's session. Carried.

COMMITTEE OF THE WHOLE.

At 10:50 the council went into committee of the whole to consider the reports.

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

Council bill forty-five—committee on printing report—committee and recommend its passage.

Council bill twenty-seven—committee on counties recommend its passage.

Council bills seventeen and eighteen were made a special order by the committee of the whole and they reported an amendment.

These bills provide that no fees shall be allowed to any party serving summons either in justice or district court, except the same be an officer. The amendment provides that fees shall be allowed to parties not officers at the discretion of the court.]

Report accepted.

HOUSE MESSAGE.

A message from the house was received announcing that the house had concurred in the joint resolution fixing the hour of noon, to-day, as the time for a visit to the insane asylum.

RECESS.

At 11:30 o'clock the council took a recess of twenty minutes.

At 11:50 the council was called to order but immediately adjourned, and the members left for a visit to the insane asylum.

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.

The journal was read and approved.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of a joint resolution fixing Wednesday, January 30, at twelve o'clock noon, as the time when the legislature would visit the insane asylum, in accordance with the invitation from the superintendent and board of trustees. Concurrence of the house asked. Also that the council had passed council bill 38—to relieve tax payers in Davison county—and

asked the concurrence of the house. Also that the council had passed house file twenty-five—to protect quail—with amendments, and asked the concurrence of the house therein. Also that the council had passed house file twenty-three—to provide for the payment of attorney's fees in case of forcible entry and detainer.

SERGEANT-AT-ARMS REITER.

Mr. Pyatt moved that Theodore Reiter, the newly elected sergeant-at-arms, who was present, be sworn in. Adopted.

Mr. Reiter came forward and the oath was administered by the speaker.

COMMITTEE REPORTS.

Mr. Hauser, from the committee on engrossed and enrolled bills, reported house bills 2, 3, 10, 18 and 19 correctly engrossed and enrolled.

Mr. Nelson, from the committee on counties, towns and cities reported house bill 37—to provide for the construction of a court house and jail in Walsh county—with a recommendation that it pass.

Mr. Sterling, from the judiciary committee, reported council bill 44—joint resolution providing for a committee to draft a bill calling a constitutional convention—recommending that it do not pass; also house bill 14 to amend section one chapter 14 of the political code—with a recommendation that it pass—it provides for the election of clerks of district courts; also house file 40—to legalize the records of conveyances where record shows no seal of the officer before whom the instrument was acknowledged—with a recommendation that it pass; also house file 41—defining the force and effect of instruments recorded in the office of register of deeds when not entitled to record—with a recommendation that it do not pass; also house file 35—relating to the record of transfers—with a recommendation that it pass; also house file 33—for the protection of domestic animals against vicious dogs—with a recommendation that it do not pass.

Mr. Harvey, from the committee on public buildings, reported house file 39—for the construction of a jail and court house in Beadle county—with amendments and a recommendation that it pass as amended.

Mr. Towner, from the committee on Indian affairs, reported council bill 4—to change the name of Paul Johnson to Paul O. Thum—with a recommendation that it pass as amended.

Mr. Ellis, from the committee on agriculture, reported house file 47—requiring railroads to construct fences in certain cases—with a recommendation that it pass as amended.

Mr. Pyatt, from the special conference committee on house file 9—to slightly amend the justice code—reported that the conference committee was unable to agree.

Mr. Rice, from the special conference committee on house file 25, reported a recommendation that the house concur in the council amendments to the bill.

NOTICES OF BILLS.

By Mr. Robinson—To legalize acts of a secular nature on holidays.

By Mr. Robinson—to authorize arrest and bail.

By Mr. Robinson—to amend section 31, chapter 3 of the code of civil procedure.

By Mr. Robinson—to legalize the reorganization of Douglas county.

BILLS INTRODUCED.

By Mr. Choteau—House bill 53—to amend sections one and sixteen, chapter 100, of the laws of 1881—establishing a normal school at Spearfish, Lawrence county.

By Mr. Benson—House bill 54—to regulate the revenue and collection thereof to be derived from mining—providing for the appointment of a board mining commissioner by the governor and the legislative council.

By Mr. Benson—House file 55—to authorize the county of Barnes to fund its indebtedness.

By Mr. McAllister—House file 56—providing that persons convicted of murder shall suffer the death penalty or imprisonment for life, at the discretion of the jury.

By Mr. Wynn—House file 57—to amend the exemption law of the territory of Dakota.

COUNCIL MESSAGE.

A council message was considered: House file 23, returned with amendments, which were concurred in, on motion of Mr. Rice; house file 25, amended in council and amendment concurred in, on motion of Mr. Choteau; joint resolution accepting invitation to visit insane asylum, concurred in, on motion of Mr. Inman.

COUNCIL BILLS.

On motion of Mr. Sterling, council bill 38 had its several readings, under suspension of rules, and was passed by unanimous vote.

Council bill 16—making obscene language a misdemeanor—was referred to the judiciary committee.

Council bill 20—amending the railroad incorporation act—was referred to the committee on railroads.

Council bill 22—to grant liquor licenses in unorganized counties—was referred to the committee on territorial affairs.

Council bill 26—relating to grading of streets—to committee on judiciary.

Council bill 28—to amend the board of education act of Sioux Falls—to committee on education.

Council bill 32—to amend section 615 of the code of civil procedure—committee on judiciary.

Council bill 34—to authorize Jacob Brauch, as administrator, to sell real estate—committee on judiciary.

The following council bills, the character of which is indicated in the foregoing house committee reports, had their third reading and were disposed of as indicated:

No. 4—passed, Messrs. Inman, Nowlin, Pyatt, Schafer, Sterling and Wagner voting in the negative and all the rest in the affirmative.

No. 44—lost, Messrs. Choteau, Nowlin, Pyatt, Robinson and Wynn voting in the affirmative and all the rest in the negative.

HOUSE BILLS.

The following house bill had their third reading and were disposed of as indicated. The character of these bills is given in the foregoing house committee reports:

No. 35—passed, Messrs. Benson, Bowman, Choteau, McAllister, Rice and Thompson voting in the negative, Mr. Ellis being excused from voting and all the rest voting in the affirmative. Mr. Rinehart gave notice of a motion to reconsider. Mr. Inman moved a reconsideration of the vote by which the bill passed. Mr. Pratt moved to lay the motion on the table. Mr. Pyatt's motion was adopted.

No. 38—lost, Mr. Allred being excused from voting and Messrs. Ellis, Inman, Nowlin, Pyatt, Rice, Rinehart, Robinson, Schafer, Thompson, Van Woert and Wynn voting in the affirmative and all the rest in the negative.

No. 39—passed by unanimous vote.

No. 14—passed, Messrs. Choteau and Pyatt voting in the negative and all the rest in the affirmative.

No. 40—passed by unanimous vote.

No. 41—lost, Mr. Rice alone voting in the affirmative.

No. 47—passed by unanimous vote.

House file 37—to provide for the construction of a court house and jail in Walsh county—passed by unanimous vote.

SCATTERING.

The house concurred in the council amendments to house file 26 and refused to concur in the council amendments to house file nine.

ADJOURNMENT.

The house, at 11:45 a. m. adjourned to ten o'clock Thursday morning.

Session Notes.

Speaker Williams, who returned last night from his Illinois trip, resumed his seat as presiding officer of the house this morning. Mr. Inman, the speaker *pro tem*, who has presided with entire satisfaction to the house during the absence of the speaker, took his place in the ranks and proceeded to devote himself exclusively to the wants of his constituents.

Mr. Benson to-day introduced a bill in the house which will stir the mine owners of the Black Hills end of Dakota to their profoundest depths. Among other things it provides for the appointment by the governor, with the consent of the legislative council, of three persons to whom all mining matters shall be referred and who shall be paid an annual salary of \$2,000 each. Under the provisions of the bill no mining company can be incorporated until the commissioners have reported in favor of such incorporation. After an examination of the property the board is also to fix the taxable value of all mines and one per cent of the gross product of mines is to be their proportion of the tax. Stamp mills and reduction works are to pay one per cent tax on the product of the ore. There are other provisions of lesser importance.

Mr. Wynn to-day introduced a bill which is designed to modify the exemption law. The initial section of the bill reads as follows:

Section 324 of the code of civil procedure is amended so as to read as follows: In addition to the property mentioned in section 323 of the code of civil procedure, the debtor may, by himself or his agent, select from all other of his personal property, not absolutely exempt, goods, chattles, merchandise, money or other personal property not to exceed in the aggregate five hundred dollars in value, which is also exempt and must be chosen and appraised as provided in chapter thirteen of the code of civil procedure.

The bill limits the homestead exemption to a valuation of \$1,000 and provides for a board of appraisers to fix the value of the homestead and to divide it if found to be worth more than the sum specified. The debtor is permitted to retain such portion as the board sets apart for him and the balance is to be sold for the benefit of the creditor. If it cannot be divided the whole is to be sold, the debtor to be given \$1,000 of the proceeds and the creditor the balance if it is due him. In case the homestead does not sell for \$1,000, the sale is to be null and void. Provision is made for a reasonable length of time for redemption. The bill is carefully drawn and seems to be just the right sort of a modification of Dakota's obnoxious exemption law.