



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-Sixth Day.

Council.

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

Prayer by the chaplain.

Bell call showed that all the members were in their seats except Messrs. Walsh and Nickens.

Journal read and approved.

HOUSE MESSAGE.

A message was received from the house announcing the passage by that body of council bill 22, with an amendment.

The council resolved to defer action on the house message on account of the absence of Mr. Nickens.

BILLS INTRODUCED.

By Mr. Ziebach—Sixty-eight—to provide funds for building a territorial normal school at Springfield.

By Mr. Donaldson—Sixty-nine—to allow the people of Grant county to hold a special election vote upon the county seat question.

By Mr. Burdick—Seventy—an act providing compensation for publishing notice of tax sale.

By Mr. Burdick—Seventy-one—to provide funds for completing the territorial university at Vermillion.

By Mr. Burdick for Mr. Nickens—Seventy-two—to provide for the building of a court house and jail for La Moure county.

By Mr. Roberts—to amend section 321 of the code of civil procedure. In regard to the claims of third parties to goods levied on by the sheriff.

NOTICES OF BILLS.

By Mr. Washabaugh—to create the county of Fall river.

SECOND READING.

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

Fifty-nine—to provide for the payment of Frank J. Mead for extra labor performed after the adjournment of the 14th legislative assembly. The bill provides for an appropriation of \$96.00—committee on appropriations.

Sixty-one—to amend chapter 86, of laws of 1881. To exempt firemen from serving on juries—committee on judiciary.

Sixty-two—to punish sellers of drugged intoxicants—committee on judiciary.

Sixty-three—for the relief of W. S. Goodwin and Truman, L. Pratt, builders of insane asylum. The bill provides an appropriation of \$2,000—committee on appropriations.

Sixty-six—to amend article 11 of the civil code. Relates to insurance companies—committee on insurance.

THIRD READING.

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

Fifty-two—to amend subdivision 14, section 21, chapter 28, of the political code. Exempting forty acres of land in case there be planted three acres of trees.

Mr. Roberts moved to recommit it to committee on elections. Lost.

On its passage, the vote was as follows: Ayes.—Dewey, Jackson, McIntosh, Scooby. Total 4.

Nays.—Burdick, Donaldson, Jerauld, Roberts, Washabaugh, Ziebach. Total 6.

HOUSE FILES.

House file fifty-three was given its first reading.

SECOND READING.

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

Forty-four—Mr. Ziebach moved that it be referred to Mr. Washabaugh. Carried.

THIRD READING.

The following house file was given its third reading and put upon its final passage. All voted aye.

COMMITTEES OF THE WHOLE.

At 10:30 the council went into committee of the whole to consider the reports of committees, Mr. Donaldson in the chair.

At 11:30 the committee arose to report. The report was as follows:

House file sixteen—committee on judiciary recommend its passage.

House file thirty-five—committee on judiciary recommended its passage, but committee of the whole reported adversely.

House file forty—committee on judiciary reported adversely to it.

House file seven, which has lain upon the table, was called up and recommittees to committee on mines and mining. Report adopted.

MESSAGE FROM THE GOVERNOR.

A message from the governor was received announcing that he had signed the joint resolution thanking the citizens of Sioux Falls and Vermillion, and Manager Merrill and Superintendent Jackson, for their kindness shown during the recent visit of the legislature to Sioux Falls.

Mr. Ziebach moved that house file sixteen be passed under a suspension of the rules. Carried.

On the passage of the file all the members voted aye.

RECESS.

At 11:45 the council took a recess of ten minutes.

Called to order at 12:10.

ADJOURNMENT.

At 12:30 council adjourned to ten o'clock Monday morning.

HOUSE.

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

Prayer by the chaplain.

Bell call showed all members in their seats.

The journal was read and approved.

COMMITTEE REPORTS.

Mr. Sterling, from the committee on

judiciary, reported house file 59—to authorize acts of a secular nature on holidays—with a recommendation that it do not pass; also council bill 23—relating to foreclosures of mortgages—with a recommendation that it pass; also house file 52—to require express companies to pay taxes the same as railroad corporations—with a recommendation that it pass; also council bill 23—authorizing the grading of streets in certain cases—with a recommendation that it pass.

Mr. Benson, from the committee on railroads, reported council bill 20—amending the railroad law—with a recommendation that it pass.

Mr. Wagner, from the committee on territorial affairs, reported house file 51—relating to exemption from seizure for debt—without recommendation.

AMENDING THE RULES.

Mr. Rinehart moved that rule forty-five be so amended that the consideration of the general orders shall follow the reports of standing committees in the daily order of business.

On motion of Mr. Nelson the motion was referred to the committee on rules.

NOTICES OF BILLS.

By Mr. Bowman—in relation to grand jurors.

By Mr. Bowman—to amend section 326 and 327, of title eight, chapter one, code of criminal procedure.

By Mr. Nowlin—to authorize the commissioners of Pennington and Custer counties to fund outstanding indebtedness.

By Mr. Lamb—to remove the territorial deaf and dumb asylum from Sioux Falls to Watertown.

By Mr. Lamb—to authorize school district one, Clark county, to issue bonds to build a school house.

BILLS INTRODUCED.

By Mr. Rice—House file 63—to amend chapter 46, laws of the thirteenth session.

COUNCIL BILLS.

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

No. 11—amending the incorporation act of the city of Grand Forks—committee on counties, towns and cities.

No. 17—relating to the service of summons in justice courts—judiciary.

No. 26—relating to service of summons in district courts—judiciary.

No. 27—to define the boundaries of Foster county—counties, towns and cities.

No. 35—Granting to either husband or wife power to sell real property in cases of abandonment or imprisonment—judiciary.

No. 42—authorizing the docketing of judgments—judiciary.

No. 45—joint resolution authorizing printing of reports of treasurer and auditor—ways and means.

Council bill 23 (see committee reports) passed by unanimous vote.

Council bill 20 (see committee reports) passed, Mr. McCallister alone voting in the negative.

COMMITTEE OF THE WHOLE.

The house, at 10:50 a. m., on motion of Mr. Rice, went into committee of the whole for the consideration of standing committee reports, Mr. Rice in the chair.

At 11:10 a. m. the committee rose and reported, recommending that the standing committee reports on council bill 20 and house files 52 and 59 be adopted and that house file 51 be referred to the judiciary committee for consideration.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill 26; also that the council returned council bill thirteen with a request that the house withdraw its amendments.

A MESSAGE

was received from the governor.

RECESS.

The house at 11:30, on motion of Mr. Rice, took a recess until two o'clock p. m.

AFTERNOON SESSION.

The message from the governor was read. It notified the house that the governor had signed house file 13—to authorize the employment of clerks for the judiciary committees.

COUNCIL BILL

thirty-two came up for its third reading and final passage and was lost, Messrs. Alfred, Harvey, Nowlin, Pyatt, Rinehart, Sterling and Mr. Speaker voting in the affirmative, Messrs. Rice and Robinson not voting and all the rest voting in the negative. It provides fees and costs for parties foreclosing mortgages.

COUNCIL MESSAGE.

A message was received announcing that the council had passed house file 16—to amend an act locating normal schools; also that the council had amended house file 42—to regulate applications for pardons.

HOUSE BILLS.

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

No. 60—to amend section 28, chapter 28 of the political code—providing for appeals to district courts from the decisions of boards of equalization.

No. 61—relating to increased facilities for trials in certain cases—judiciary.

No. 62—to amend chapter 59, of the laws of 1879—making boards of township supervisors boards of equalization.

House file 52—requiring express companies to pay taxes the same as railroads—passed, Messrs. Thompson, Tychsen and Mr. Speaker voting in the negative and all the rest in the affirmative.

The speaker announced that he had signed house bills 4, 12, 9 and 38.

A MESSAGE.

was received from the governor announcing that he had approved house bill 10—to provide for the organization and government of the university of Dakota.

ONE MORE CLERK.

On motion of Mr. Ellis the house proceeded to the election of a clerk for the judiciary committee.

Mr. Ellis nominated M. D. Kent, of Elk Point.

Mr. Wynn nominated E. T. White of Yankton.

The roll being called, Mr. Kent received sixteen votes and Mr. White six and Mr. Kent was declared elected.

A SUBSTITUTE

Mr. Nelson, from the committee on elections, reported house bill 48—repealing the registry act in the Black Hills counties—by substitute, and recommended the passage of the substitute.

The report was adopted on motion of Mr. Rinehart.

ADJOURNMENT.

The house, at 2:40 p. m., on motion of Mr. Inman, adjourned to ten o'clock Monday morning.

Session Notes.

Mrs. Bowman's land bill, designed to amend the existing exemption laws, was reported back from the house committee on territorial affairs without recommendation and has now gone to the judiciary committee for examination.

Mr. Lamb the newly seated house member created a slight sensation this morning by a notice of a bill to move the territorial deaf and dumb asylum from Sioux Falls to Watertown, which is in Mr. Lamb's district.

Council bill twenty-two provides for the granting of licenses for the sale of liquor to parties in unorganized counties by the board of commissioners in the county to which such unorganized county is attached for judicial purposes. The house amended the bill by making it read "may grant" instead of "shall grant." The same amendment was proposed by Mr. Jackson when the bill originally passed the council but it was defeated.

Mr. Ziebach introduced a bill into the council to provide for the construction of a territorial normal school at Springfield. It provides for issuing \$15,000 in bonds running twenty years, but payable at the end of ten years, interest to be six per cent per annum.

Mr. Burdick introduced a bill providing compensation for the publishing of notices of tax sale. The bill provides that it shall be paid for at the rate of not over twenty cents a description. The cost of advertising to be added to the penalty on delinquent taxes.

Mr. Burdick introduced a bill in the council this morning to provide funds for completing the territorial university at Vermillion. The bill provides for the issuing of \$30,000 in bonds, running twenty years, and payable optionally with the territory at the end of ten years, and drawing six per cent interest.