

## DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-Eighth Day.

Council.  
TUESDAY AFTERNOON'S SESSION.

Council convened at two p. m., with Mr. President in the chair.  
Mr. Nickens offered the following resolution:

*Resolved*, That when the council goes into the committee of the whole for the consideration of the report of the committee on elections the debate be limited to one and one-half hours. Carried.

Mr. Nickens moved a reconsideration of the vote by which it was passed, and that the motion be laid on the table. Carried.

The council then went into a committee of the whole with Mr. McIntosh in the chair.

At 4 p. m. the committee arose and reported through its chairman, recommending the adoption of the report of the committee on elections. The report was adopted.

The president resuming the chair and calling the council to order, Mr. Nickens offered a resolution to the effect that Mr. McAuley be declared elected and be entitled to take his seat. The resolution was then adopted by the following vote:

Those voting in the affirmative were Messrs. Burdick, Jackson, Jerauld, McIntosh, Nickens, Washabaugh and Ziebach.  
Those voting in the negative were Messrs. Dewey, Roberts and Mr. President.

Absent—Mr. Walsh.  
Not voting—Mr. Donaldson.

Mr. Nickens moved that the vote by which the above resolution was adopted be reconsidered, and that the motion to reconsider be laid upon the table, which motion prevailed.

Mr. McAuley then came forward and received the oath of office, after which the council adjourned.

Twenty-Ninth Day.

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

Prayer by the chaplain.  
Roll call showed all in their seats excepting Mr. Walsh.

Journal read and approved.

#### MESSAGE FROM THE HOUSE.

A message was received from the house announcing the adoption of a resolution to the effect that the judiciary committee of two houses be instructed to prepare and present for consideration a complete exemption law also that the house had passed unchanged. Council bill No. 32—to amend section 615 of the code of civil procedure; that it passed with amendment. Council bill 42—to amend section 300 of civil code; that it had passed a substitute to council bill 16, to punish use of obscene language. That

it had passed house files Nos. 69, 56, 60 and 61, and requesting the concurrence of the council.

The president announced that Mr. McAuley would take the places in the standing committees previously held by Mr. Donaldson.

#### NOTICES OF BILLS.

By Mr. Jerauld—providing for the organization of a board of railroad commissioners and to define their duties.

By Mr. McIntosh—authorizing the board of county commissioners of Aurora county to issue bonds for the construction of a court house and jail for that county.

By Mr. Jackson—to provide for an appropriation for the maintenance of the territorial asylum for deaf mutes at Sioux Falls.

#### INTRODUCTION OF BILLS.

By Mr. Dewey—Council bill No. 81—to authorize the county of Yankton to issue bonds for refunding its outstanding indebtedness, and to provide for the payment of the same.

By Mr. Roberts—Council bill number 89—to authorize school district number 1 of Cass county to issue bonds for building a school house and to fund outstanding indebtedness.

By Mr. Jerauld—Council bill number 90—to prohibit the sale and manufacture of adulterated liquors.

By Mr. Jerauld—Council bill 91—to provide bounties for killing wolves, foxes, pocket gophers and ground and gray squirrels.

#### CONSIDERATION OF MESSAGES.

The amendments recommended in the house message were then considered.

Mr. Roberts moved the council concur in house amendment to council bill No. 42—to amend section 300 of the civil code. Carried.

Mr. Jackson moved the council concur in house substitute to council bill No. 16, to punish the use of obscene language. Carried.

Mr. Dewey moved the rules be suspended and that council bill No. 81 be given its second reading and be referred to the committee of the whole for consideration. Carried.

#### SECOND READING.

The following bills were given their second reading and referred to the committees indicated:

Council bill 78—to provide for the incorporation of Redfield—Committee on incorporations.

Council bill No. 85—providing for the organization, regulation and taxation of railroads—Committee on railroads.

Council bill No. 89—to amend section 718 of the criminal code—Committee on judiciary.

#### PASSAGE OF BILLS.

The following bills came up in their third reading and final passage and were disposed of as indicated:

Council bill No. 57—to authorize the county of Davison to refund its outstanding indebtedness—moved by Mr. Washabaugh that the bill be recommended to the committee of the whole. Carried.

Council bill No. 66—providing for an

appropriation for the maintenance and furnishing of the insane asylum. Passed, all voting in the affirmative.

Council bill No. 78—to amend section 321 of the civil code. Passed by unanimous vote.

Mr. Ziebach moved the governor be requested to return council bill No. 19—relating to the purchase of laws of the territory. Carried.

Mr. Ziebach moved the rules be suspended, and that council bill No. 19 be referred to the committee on public printing.

#### HOUSE FILES.

House files Nos. 56, 60, 61 and 69 above referred to were read the first time.

House file 32—providing for the registration of electors, and the prevention of fraudulent voting was read a second time and referred to the committee on elections.

#### PASSAGE OF HOUSE FILES.

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

House file 22—providing for the incorporation of the village of Buffalo—carried, all voting in the affirmative.

House file No. 38, providing for the construction of a \$2,000 court house and jail for the county of Walsh. Carried, all voting in the affirmative.

House file 49—providing for the construction of a \$50,000 court house and jail for the county of Beadle. Carried, all voting in the affirmative except Mr. Jerauld, who voted in the negative, Mr. Walsh, absent, and Mr. Dewey not voting.

House file No. 53—to establish and endow a normal school at Spearfish. Carried, all present voting in the affirmative.

#### COMMITTEE OF THE WHOLE.

The council then went into the committee of the whole with Mr. Burdick in the chair. When the committee arose it reported through its chairman, with recommendations as follows:

That house file No. 47, compelling railroads to fence their right of way in certain cases, be referred to the committee on agriculture.

That council bill 57 authorizing Davison county to refund outstanding indebtedness be referred to Mr. McIntosh; and that council bill No. 81 to authorize Yankton county to issue bonds for refunding indebtedness be made a special order for the afternoon session.

The report of the committee was adopted.

On the president resuming the chair, Mr. Nickens introduced a resolution to the effect that all bills making the appropriation of funds for the maintenance of public institutions be accompanied by a schedule showing the number of employees and the salary paid each one, and so far as practicable a detailed statement of the necessary expenditures of such institution. Adopted.

On motion, the council took a recess until 2 p. m.

#### AFTERNOON SESSION.

Council convened at 2 p. m., with Mr. President in the chair.

The council went into committee of the whole with Mr. Nickens in the chair. On rising it reported, through its chairman, with recommendations as follows: That the amendment to council bill No. 81—providing that it shall be in force from the time of its passage and approval by the governor be adopted; that the bill be referred to a special committee of three and that it be made the special order for Friday at 2 p. m. The report of the committee was adopted. The president appointed as members of the above committee Messrs. Ziebach, Roberts and Washabaugh.

The council then reverted to second reading of council bills, and bill No. 83, providing for an appropriation for a normal school at Spearfish, was read a second time and referred to the committee on appropriations.

A motion to elect Alfred Dickey clerk of the judiciary committee and assistant enrolling and engrossing clerk of the council was made.

Mr. Ziebach moved to amend postponing the election. The amendment was carried.  
Adjourned.

#### 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 that the president of the council had appointed Messrs. Ziebach, Roberts and Dewey a committee on conference on council bill 13; also that the council had passed council bills 56 and 49; also that the council had passed house file 40—to legalize records of conveyances of real estate when the record does not bear the seal of the recording officer.

#### A PETITION.

Mr. Rice presented a petition signed by citizens of Flandrau, asking that an act be passed amending the act incorporating the village of Flandrau.

#### COMMITTEE REPORT.

Mr. Sterling from the judiciary committee, reported house file 17—for the relief of hail storm sufferers in the counties of Grant and Deuel—with a recommendation that it do not pass.

Mr. Allred, from the committee on ways and means, reported council bill 45, providing for printing reports of territorial auditor and treasurer, with a recommendation that it pass.

Mr. Rice, from the same committee, made a minority report on the same bill recommending that it do not pass.

Mr. Nelson, from the committee on counties, towns and cities, reported the bill defining the boundaries of Foster county, with a recommendation that it pass.

Mr. Lamb, from the committee on enrolled bills, reported house files 16 and 43 as properly enrolled.

#### NOTICES OF BILLS.

By Mr. Binschert—to provide for the

drainage of mines and to regulate the liability of miners, mine owners and mill men in certain cases.

By Mr. Rinehart—to facilitate the recovery of ore taken by theft or trespass and for the better protection of mine owners.

#### BILLS INTRODUCED.

By Mr. Choteau—House file 73—to amend section 400 code of civil procedure—relating to corporations.

By Mr. Robinson—House file 74—to legalize the reorganization of Douglas county.

By Mr. Robinson—House file 75—to authorize arrest in bail.

By Mr. Pyatt—House file 76—to amend section five, chapter 19 of the political code.

By Mr. Lamb—House file 77—to authorize the county of Grant to issue bonds to fund outstanding indebtedness.

By Mr. Towner—House file 78—to incorporate the city of Larimore.

By Mr. Towner—House file 79—to repeal chapter 78 of the laws of 1881—to prevent the passage of fish in Goose river.

By Mr. Bowman—House file 80—to amend sections 236 and 337, title eight, chapter one of the code of criminal procedure.

By Mr. McCallister—House file 81—to provide funds for construction and furnishing a building for a territorial normal school at Madison, Lake county.

By Mr. Rice—House file 82—to legalize the acts of the incorporation of Flandrau in issuing bonds.

By Mr. Rice—House file 83—to amend the act incorporating the village of Flandrau.

By Mr. Van Woert—house file 84—to provide for the election of county commissioners.

By Mr. Allred—house file 85—to authorize joint school district 33, of Cass and Barnes counties to issue bonds.

By Mr. Benson—house file 86—to authorize Morton county to issue bonds.

By Mr. Wynn—house file 87—to amend section 1,743 of civil code.

By Mr. Thompson—house file 88—to amend chapter 18 of the political code.

#### CONFERENCE COMMITTEE.

The council message asking for the appointment of a conference committee on council bill 13 was taken up.

Mr. Pyatt moved that the committee be appointed. Adopted and Messrs. Pyatt, Wynn and Towner appointed as such committee.

#### COUNCIL BILLS.

Council bill 56—to amend section 471 of the code of civil procedure—had its first reading.

Council bill 49—to incorporate the city of Sioux Falls—had its second reading under suspension of rules, on motion of Mr. Thompson, and was referred to the committee on counties, towns and cities.

Council bill 45—ordering the printing of the biennial reports of the territorial auditor and treasurer came up for passage.

Mr. Rice moved the adoption of the minority report recommending that the bill do not pass. The motion was adopted.

The vote being taken on the passage of the bill, it was lost—12 to 12—Messrs. Allred, Benson, Choteau, Inman, Lamb, Nowlin, Pyatt, Phillips, Robinson, Towner, Wynn and Mr. Speaker voting in the affirmative and all the rest in the negative.

Council bill 27—to define the boundaries of Foster county—passed by unanimous vote.

#### HOUSE BILLS.

Mr. Rice moved that the rules be suspended and that house bills 82 and 83, introduced this morning, be given their several readings and be put upon their final passage. The motion was adopted.

No. 82—to amend the acts of the village of Flandrau in issuing bonds—passed by unanimous vote, Mr. Thompson being excused.

No. 83—to amend the incorporation act of the village of Flandrau, passed, Mr. Speaker alone voting in the negative.

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

No. 67—providing that none but taxpayers and freeholders are competent to sit on grand juries and providing for peremptory challenges of grand jurors on special venuries—judiciary.

No. 68—authorizing the village of Madison, Lake county, to issue bonds for the purchase of normal school lands—counties, towns and cities.

No. 70—to authorize school district one, Clark county, to issue bonds for school house purposes—education.

No. 70—to vacate the town plat of Roscoe, Moody county—judiciary.

House file 17—for the relief of hail storm sufferers—came up for passage and was lost, Messrs. Benson, Pyatt, Phillips, Rinehart, Thompson, Towner and Mr. Speaker voting in the affirmative and all the rest in the negative.

#### BILLS SIGNED.

The speaker announced that he had signed house files 42 and 16.

#### COUNCIL BILL 45.

Mr. Rice moved that the vote by which council bill 45—relating to printing reports—was lost, be reconsidered, and that the motion to reconsider be laid upon the table. Lost.

Mr. Thompson moved that the vote by which council bill 45 was passed be reconsidered. Adopted.

Mr. Rice moved to lay Mr. Thompson's motion on the table. Lost.

Mr. Rice moved that further consideration of the bill be indefinitely postponed. Lost.

Mr. Thompson moved that the bill be put upon its passage. Adopted.

Council bill 45 then came up for passage, and was passed, Messrs. Bowman, McCallister, Rice, Rinehart, Sterling, Tyebson and Wagner voting in the negative and all the rest in the affirmative.

#### ADJOURNMENT.

The house, at 11:30 a. m., adjourned to ten o'clock Thursday morning.

#### Session Notes.

The house was convened this forenoon by an argument over the council bill authorizing the printing of the reports of the territorial auditor and treasurer in pamphlet form. Mr. Rice led the opposition to the bill and his position was based upon the fact that the bill fixed the price for the work and designated the public printers as the parties who were to execute the work. Finally, after many motions and counter motions, the bill was defeated by a vote of twelve to twelve. It was afterward ascertained that the bill had been drawn by a committee of printers in the council, who had figured on the work and had fixed what they deemed a fair compensation therefor. Upon this information the vote by which the bill had been defeated was reconsidered and it was passed by a vote of seventeen to seven. It provides merely for the customary printing of four hundred copies of the reports for public distribution. The reports are made up entirely of difficult and intricate rule and figure work—what is known among printers as double price matter—and the price fixed by the council committee is as low as any establishment can do it for.

Since the beginning of the legislative session there have been 83 bills introduced in the house and of this number sixteen, or one-sixth, were introduced to-day. It was by far the largest day in the house.

Councilman Walsh is in Sioux City where he has been since Monday waiting for something.

Mr. Jerauld's bill to provide bounties for the killing of certain animals, specifies that for killing a wolf \$5 shall be received; for a fox, \$3; for a pocket gopher, 10 cents; for a ground or gray squirrel, two cents.

Mr. Jerauld's council bill No. 90 provides for the appointment by the governor of one person in each judicial district to be known as an "inspector of liquors," and any person who knowingly manufactures, sells or keeps, or offers for sale within this territory any intoxicating, spiritous or malt liquors, which have been adulterated or mixed with any deleterious or poisonous substance, shall, upon conviction, be imprisoned in the penitentiary not less than two years, or fined not less than \$300, or both. Section 2, provides that persons so guilty, though ignorant of the offense committed, shall be subject to a fine of \$200 for each offense, to be collected by civil action.

Mr. Dewey, to-day introduced in the council a bill for refunding the bonded indebtedness of Yankton county and under suspension of the rules, it was made the special order for this afternoon. After a long discussion the bill was referred to a special committee consisting of Messrs. Ziebach, Washabaugh and Roberts and its further consideration by the council was made the special order for Friday afternoon. As the people of Yankton are desirous of reading the bill, we will give it entire in tomorrow's paper.