



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Eleventh Day.

Constit.

The 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. Nickens.

The journal was read and approved.

Mr. Nickens reported himself as present.

T. D. Wrightson took the oath of office as assistant sergeant-at-arms.

Mr. Roberts, of the judiciary committee, reported back to the council bill No. 8 with the recommendation that it do not pass.

Mr. Nickens moved the committee be discharged from further consideration of the bill.

The president thought the motion unnecessary and it was withdrawn.

NOTICE OF BILLS.

By Mr. Roberts—To create the office of public examiner.

Mr. Jackson—To amend section 366, chapter 33 of the penal code.

Mr. Burdick—A memorial to congress asking increased representation in both houses of the legislature.

Mr. Burdick—Bill to fix fees of clerks of the district court.

BILLS INTRODUCED.

Mr. Washabagh—Council bill No. 13, to amend section 116, chapter 32, in relation to the formation of the grand jury.

Mr. Burdick—Council bill No. 14, to fix the fees of the clerk of the district court.

The second reading of bills was passed on account of the bills not being in the chamber at the time called for.

THIRD READING.

Council bill No. 8, to repeal section 427 of the penal code.

On the question shall the bill pass, all members voted nay, except, Mr. Scooby, who voted aye.

Mr. Nickens, from the committee on territorial affairs, reported back council bill No. 6, with the recommendation that it pass.

Mr. Jerauld objected to the third section, which prohibits the having of any instrument by which fish may be taken, on the banks of Spirit Wood lake from the 15th of November to the 1st day of May.

Mr. Nickens thought the objection ill-founded.

The bill was put upon its third reading and passed; all members voting aye, except Mr. Jerauld, who voted nay.

SECOND READING.

The council then reverted to the second reading of bills.

Bill No. 10—A bill to provide for fire-escapes in hotels.

MESSAGE FROM THE HOUSE.

While the second reading of bills was in progress a message was received from the house giving notice of the passage of the joint resolutions of thanks to Sioux Falls, Vermillion and the railroad.

The second reading of bills was again proceeded with.

Bill No. 10 was referred to the committee on insurance.

Bill No. 12, an act to prevent the spread of the glanders among horses.

COMMUNICATIONS.

The president then presented a communication inviting the council to visit the insane hospital this morning.

Mr. Dewey moved that as the weather was such as to prohibit the visit on the date named, the communication be referred to the committee on charitable and penal institutions, committee to fix time for making the proposed visit. Carried.

The president then presented another communication, from the secretary of the territory, announcing that he had sent to each member of the council a copy of the code and of the session laws of 1881, but that he did not have in his possession any of the session laws of 1879. He also stated that there were very few copies of the session laws of 1881 left, and he thought something should be done towards securing another supply.

Mr. Nickens moved that the communication be referred to committee on public printing. Carried.

Mr. Scooby introduced council bill No. 15, to amend section 1735 of the civil code relative to the satisfaction of mortgages.

The house then took an informal recess; and at 11:15 Mr. Washabagh moved to adjourn to 10 o'clock to-morrow. Carried.

House.

The house convened at 10 o'clock a. m., Mr. Speaker in the chair.

Prayer, by Rev. Edward Ellis, Baptist missionary for southeastern Dakota.

Roll call showed all the members in their seats.

The journal was read and approved.

COMMUNICATIONS.

Mr. Sterling presented the petition of Lamb and Phillips, contestants for seats in the house from the seventh district, and it was referred to the committee on elections, with instructions to examine all the papers and report as speedily as possible.

The speaker presented a communication from the secretary of the territory, stating that he had, in accordance with a legislative enactment, sent twenty-four copies of the revised codes and a like number of the laws of 1881 to the house. He also stated that he was unable to furnish the session laws of 1879, unless the legislature authorized him to purchase them. Further, that he was now reduced to twenty copies of the laws of 1881, for which there was a large demand from newly organized counties and townships. He suggested that some provision be made for supplying officials

entitled to session laws. The subject was referred to the committee on ways and means.

COMMITTEE REPORTS.

Mr. Pyatt, from the committee on highways, &c, reported back house file three—to establish public highways by consent—with a recommendation that it pass.

Mr. Sterling, from the judiciary committee, reported back council bill three—to change the name of Peter Halvorson to Peter, H. Hall—with a recommendation that it pass; also house file two—legalizing the incorporation of the town of Wahpeton—with favorable recommendation.

NOTICE OF BILLS.

By Mr. Towner—to create the county of Nelson.

By Mr. Schaffer—To relieve sufferers from hail storms in the counties of Grant and Deuel.

BILLS INTRODUCED.

By Mr. Rice—House file No. 13—To provide attorney's fees in actions to enforce mechanics' liens.

By Mr. Rice—House file No. 14—To provide for the election of clerks of district courts.

COUNCIL BILL PASSED.

Council bill three—reported back from committee this morning with a favorable report—went to its third reading and was passed by unanimous vote.

HOUSE BILLS.

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

No. 5—increasing the liquor license fee to a minimum of \$500 and a maximum of \$1,000, and providing for a \$1,000 bond—judiciary committee.

No. 6—for the relief of sufferers from hail storms in the counties of Lawrence, Pennington and Custer—judiciary committee.

No. 7—defining the boundaries of Mandan county—county and townships committee.

No. 8—to punish rape on females under ten years of age—judiciary committee.

No. 9—to amend section twenty-six of the justice code by striking out the words "and on payment of costs" and adding the words "upon giving at least three days' written notice to the adverse party or attorney—judiciary committee.

No. 10—for the organization and government of the Dakota university—territorial affairs committee.

No. 11—To create the county of Raymond—counties and townships committee.

COUNCIL MESSAGE.

A message from the council informed the house that the council had passed council bill six and the concurrence of the house was asked.

HOUSE BILLS PASSED.

The following house bills had their third reading and were passed by unanimous vote:

No. 2—To legalize the incorporation of the town of Wahpeton.

No. 3—To establish public highways by consent.

ADJOURNMENT.

The house, at 11:30 a. m., adjourned to ten a. m. Saturday.

Session Notes.

In consequence of the severity of the weather to-day's contemplated legislative visit to the insane asylum was deferred.

A bill introduced in the house to-day, by Mr. Rice, of Flandran, provides that any person convicted of rape upon a child under ten years of age shall be sentenced to death, and that the sentence of the court shall be carried out. The penalty for this offense under the present statute is not more than ten years' imprisonment.

Mr. Burdick has introduced in the council a bill compelling hotel keepers to provide means of escape from their houses in case of fire and prescribing heavy penalties for a violation of the law, if it becomes one.

Mr. Scooby introduced council bill No. 15, which will make a change in the manner of releasing mortgages. Section 1735 of the civil code provides that a mortgage shall be released by the fact being stated in marginal notes by the register of deeds, properly attested. Mr. Scooby's bill makes it necessary in order to release a mortgage to file a special instrument setting forth the fact of said relief.

The bill of which Mr. Washabagh notice this morning in regard to grand juries will make that body consist of not less than sixteen nor more than twenty-three members. This is in order to enable that body to carry on business in case of the sickness of one or more of its members.

Mr. Jackson's proposed amendment to section 366, chapter 33 of the penal code makers obscene language a misdemeanor.