



## DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Sixteenth Day.

#### Council.

Council convened at 10 o'clock, Mr. President in the chair.

Prayer by the chaplain.

Roll call showed all the members in their seats except Mr. Ziebach, who arrived during the reading of the journal. Journal read and approved.

#### REPORTS OF COMMITTEES.

Mr. Nickens, from committee on rules, reported a substitute for the amendment referred to them. All bills on their second reading shall be read by their title. No amendment shall be made to a bill on its third reading except by unanimous consent. On the question of the adoption of the report of the committee, Messrs. Burdick, Roberts and Walsh voted nay, all the other members in the affirmative.

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

Mr. Ziebach moved to reconsider the vote by which council bill 16 was passed yesterday. Carried.

Mr. Ziebach moved that the bill be referred to a select committee of three. Carried.

The president appointed as such committee Messrs. Ziebach, Donaldson and Walsh.

#### INTRODUCTION OF BILLS.

Mr. Jackson asked unanimous consent to introduce a bill without notice.

Mr. Jersauld also asked consent to introduce a bill.

Mr. Roberts introduced a bill.

#### NOTICE OF BILL.

Mr. Jackson gave notice of a bill to amend the 1st chapter of the civil code.

#### FIRST READING.

The following council bills then had their first reading:

28—Mr. Jackson—to provide for a board of education for the village of Sioux Falls.

29—Mr. Jersauld—to legalize the election of township officers in organized townships.

30—Mr. Roberts—to amend section 101, of the code of civil procedure. In actions affecting real estate the plaintiff shall file notice of such action with the register of deeds in the county where such real estate is located. Twenty days notice to be given in case of foreclosure of a mortgage.

31—Mr. Roberts—to amend section 229 of the code of civil procedure. In actions to recover money only, the plaintiff may file proof of personal service of summons with the clerk and affidavit that no answer has been received upon which judgment shall be entered. In case of defendant

giving notice of appearance he shall have five days notice of date and place of hearing.

32—Mr. Roberts—to amend of the code of civil procedure. To provide attorneys fees and costs for party foreclosing a mortgage by advertisement, upon showing that such attorney was acting in good faith.

33—Mr. Roberts—to amend the code of civil procedure. In relation to gaining title by mortgage.

#### SECOND READING.

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

25—To prohibit the importation of Texas and Cherokee cattle—committee on territorial affairs.

26—To amend section 46, chapter 21 of the political code. In regard to the taking of an appeal from county commissioners by district attorney—committee on judiciary.

27—To define the boundaries of Foster county—committee on counties.

#### HOUSE FILES.

House file No. 7 was given its second reading and referred to committee on counties.

Mr. Ziebach, from committee on printing, reported that the secretary of the territory stated that it was impossible for him to comply with the request of the council for extra copies of each bill but informed them that such extra copies as were desired could be had by the members notifying the printer, when such copies were needed.

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

At 11:40 the committee arose and reported. Report accepted.

Mr. Dewey introduced council bill thirty-four, to authorize Jacob Brauch, administrator of estate of Anna Brauch, to sell real estate.

Mr. Dewey asked indefinite leave of absence for Mr. Jersauld, he having just received a telegram announcing the serious illness of his son.

Mr. Roberts thought the council did not have power to grant indefinite leave and suggested that the time be fixed with the understanding that it should be extended if necessary. Time fixed at Monday next.

#### RECESS.

At 10:45 Mr. Dewey moved a recess of fifteen minutes. Carried.

Called to order at 11:10.

The third reading of house files was reverted to and the following house files read the third time and passed.

House file four—passed by unanimous vote.

House file ten—passed by unanimous vote.

#### ADJOURNMENT.

At 11:40 the council adjourned to ten o'clock to-morrow morning.

#### 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 council had passed the following bills: House file three—to establish public highways by consent, with an amendment; also council bill ten—providing for fire escapes in hotels; also council bill twelve—to prevent the spread of glanders; also house file two—legalizing the incorporation of the town of Wahpeton.

#### EXPUNGED.

On motion of Mr. Nelson, that portion of the record of yesterday relative to the report of the Indian committee relative to the grand army lecture, was expunged from the journal.

#### COMMITTEE REPORTS.

Mr. Nelson, from the committee on counties and towns, reported house file fifteen—to amend the incorporation act of the village of Mandan—with a recommendation that it pass.

Mr. Sterling, from the judiciary committee, reported house file five—to amend section three, chapter twenty-six of the laws of 1879, without recommendation. It provides for an increase in the price of liquor licenses; also, house file nineteen—to fix the compensation of assessors in Pennington and Custer counties—with a recommendation that it pass; also, house file twenty-three—providing for payment of attorneys' fees in cases of forcible entry and detainer—with a recommendation that it pass.

Mr. Alford, from the committee on ways and means, reported house file eighteen—to employ committee clerks—with a recommendation that it pass.

On motion of Mr. Rice, house file five—increasing the price of liquor licenses—was referred to a special committee named by the speaker, consisting of Messrs. Thompson, Tyehsen, Van Woert, Benson and Harvey.

#### NOTICES OF BILLS.

By Mr. Tyehsen—to solemnize marriages.

By Mr. Harvey—to provide for the erection of a court house and jail in Walsh county.

By Mr. Nowlin—to incorporate the city of Rapid City.

By Mr. Inman—to amend section six hundred and forty-eight of the civil code—relating to recording transfers.

By Mr. Van Woert—to amend section 249, chapter 17 of penal code.

By Mr. Sterling—to erect a court house and jail in Beadle county.

By Mr. Bowman—to amend sections 28 and 29, chapter 28 of the political code.

By Mr. Inman—to provide uniform and cheap text books in the public schools.

By Mr. Pyatt—to attach certain unorganized territory to Richland county.

#### BILLS INTRODUCED.

By Mr. Thompson—House file 31—to amend chapter 13 of civil actions. It proposes to repeal section 823 of civil actions and amend section 324 so as to increase the personal property exemption to \$2,000.

By Mr. Robinson—House file 32—to amend the act incorporating the village of Scotland.

By Mr. Inman—House file 33—joint resolution providing for the adjournment of the legislature on the 17th of February.

#### COUNCIL BILLS.

No. 4, 10 and 12 had its second reading and were referred to the committee on ways and means.

#### HOUSE BILLS.

On motion of Mr. Pyatt the council amendment to house bill three was concurred in. This is an act for the establishment of public highways.

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

No. 22—to incorporate the village of Buffalo—Cass county—counties, towns and cities.

No. 24—to amend the act prescribing rules and regulations for the execution of trust arising under an act of congress for the relief of people upon the public lands—judiciary.

No. 25—for the protection of quasi-judiciary.

No. 27—Providing that persons who have resided ninety days in Dakota may become notaries public—judiciary.

No. 28—Exempting from taxation for ten years forty acres which contain five acres of growing timber—agriculture.

No. 29—Legalizing the acts of E. T. White a notary public—judiciary.

No. 30—Enlarging the area of Hyde county—counties towns and cities.

No. 26—to amend the act providing for funding the indebtedness of Moody, Brookings, Burling and Grand Forks counties—under a suspension of the rules had its several readings and was passed by unanimous vote.

No. 19—to fix the compensation of assessors in Pennington and Custer counties—had its third reading and passed by unanimous vote.

No. 23—providing for the payment of attorneys' fees in cases of forcible entry and detainer—had its third reading and was passed by unanimous vote.

No. 18—providing clerks for the judiciary committees—had its third reading and was passed, Mr. Thompson alone voting in the negative.

No. 15—to incorporate the village of Mandan—had its third reading and was passed by unanimous vote.

#### SPEAKER PRO-TEM.

The speaker asked permission to appoint a speaker pro-tem to preside over the house Friday, Saturday and Monday and such permission was granted.

#### ADJOURNMENT.

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

#### Session Notes.

There has been little of interest in the legislature to-day, though considerable business was disposed of.

Mr. Thompson made a break on the exemption law by introducing a bill which is designed to increase the personal property exemption from \$1,500 to \$2,000 and to repeal the clause exempting homesteads and various articles of household necessity. His intention appears to be to make a straight \$2,000

exemption cover everything and under the bill the party is permitted to select property to that amount, real or personal, from among his possessions.

Mr. Inman put in a joint resolution in the house providing for adjournment *sine die* on the 17th of February. Under the law the present session can be held until the 10th of March, but Mr. Inman thinks the business can be cleared up at an earlier date.

The memorial to congress asking for increased legislative representation was credited by error in yesterday's issue to Mr. Walsh, of Grand Forks. It was introduced by Mr. Burdick, of Clay.

Speaker Williams, of the house, expects to leave for Illinois Friday on pressing business and to be gone until Monday night. He will appoint a speaker pro-tem to preside during his absence.

In the report yesterday it was stated on the passage of the council memorial asking that no change be made in the land laws, that Messrs. McAllister, Rice, Rinehart, Shafer and Sterling voted in the negative and all the rest in the affirmative. Mr. Alfred, of Cass, also voted in the negative.

Mr. Jerauld of Lincoln this morning received a telegram announcing the serious illness of his son. He will go home to-morrow to stay as long as his presence is necessary. He has been granted leave of absence until Monday by the council, with the understanding that the time shall be extended in case he deems it necessary.