



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Seventeenth 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 seats except Mr. Jerauld who is excused from attendance.

Journal read and approved.

HOUSE MESSAGE.

A message was received from the house announcing the concurrence of the house in the amendment made by council to house file No. 3. Also announcing the passage of the two memorials to congress originating in the council, asking for an increased representation, and that the land laws be not altered; also announcing the passage of house files Nos. 15, 18, 19, 23 and 25.

BILLS INTRODUCED.

The following bills were introduced and given their first reading:

Mr. Scooby—council bill thirty-five—an act giving husband or wife power to control and sell real estate under certain circumstances.

Mr. Scooby—council bill thirty-six—to amend subdivision 3, section 333 of the code of civil procedure. To include among the persons having no exemptions, those having obtained credit under false pretenses, those who conceal themselves or attempt to remove property from the territory or assign it to others.

SECOND READING.

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

Twenty-eight—to provide a board of education for Sioux Falls—committee on education.

Twenty-nine—to legalize the election of officers in organized townships—committee on counties.

Thirty—to amend section 101 of the code of civil procedure. To cause plaintiffs in actions affecting real estate to give notice of such action to the register of deeds—committee on judiciary.

Thirty-one—to amend sub division of section 229 of the code of civil procedure. In relation to the taking of judgment by default—committee on judiciary.

Thirty-two—to amend section 613 of the code of civil procedure. Relating to attorneys fees and costs in cases of foreclosure of mortgages by advertisement—committee on judiciary.

Thirty-three—to amend section 614 of the code of civil procedure. In relation to obtaining title by mortgage—committee on judiciary.

Thirty-four—to authorize Jacob Brauch, administrator, to sell real estate—committee on judiciary.

HOUSE FILES.

House files No. 15, 18, 19, 23 and 25 were then given their first reading.

COMMITTEE OF THE WHOLE.

The council at 10:25 went into committee of the whole to consider the reports of committees, Mr. Jackson in the chair. At 11:25 the committee arose to report. Report accepted.

Mr. Ziebach moved that council bill 28, in regard to the taking of an appeal from county commissioners, be recommended to the judiciary committee. Carried.

RECESS.

Mr. McIntosh at moved a recess of thirty minutes. Carried.

Called to order at 12:10.

Mr. Washabough introduced a joint resolution asking that a committee of three from the council and five from the house be appointed to draft a bill for a constitutional convention for that section of Dakota south of the 46th parallel.

Mr. Washabough moved that the rules be suspended and that the resolution be read the second and third time and put upon its passage. Carried.

Mr. Walsh moved that the third reading be by its title only. Carried.

Upon the passage of the resolution Mr. Zeibach did not vote, having been absent when it was read. All the members voting, voted aye.

Mr. Burdick moved that house file eighteen be taken up and read a third time under a suspension of the rules. Carried.

Upon its passage all members voted aye.

Mr. Ziebach, from the select committee reported council bill sixteen, which makes obscene language a misdemeanor, with an amendment.

ADJOURNMENT.

At 12:30 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.

COMMITTEE REPORTS.

Mr. Sterling, from the judiciary committee, reported house file twenty—to incorporate the village of Ellendale—with a recommendation that it do not pass; also house file twenty-five—to protect quail—with an amendment exempting from its provisions the counties of Clay, Yankton and Bon Homme, with a recommendation that it pass as amended; also house file twenty-seven—providing that persons who have resided ninety days in Dakota may become notaries public—with a recommendation that it pass; also

house file twenty-nine—to legalize the acts of E. T. White as notary public—with a recommendation that it pass; also house file twenty-five—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—with a recommendation that it pass.

Mr. Ellis, from the committee on agriculture, reported house file twenty-eight—exempting from taxation for ten years forty acres which contain five acres of growing timber—with a recommendation that it pass.

Mr. McAllister, from the committee on education, reported house file nineteen—to amend the act establishing the Springfield normal school—with a recommendation that it pass.

Mr. Thompson, from special committee, reported house file five with a recommendation that it pass with an amendment. This is the bill which increases the price of liquor licenses to \$1,000 as the maximum. As amended it leaves the minimum sum at \$200.

Mr. Nelson introduced a resolution making it the duty of the clerk of the house judiciary committee to act also as clerk for the counties, towns and cities. Adopted.

NOTICES OF BILLS.

By Mr. Rinehart—to repeal chapter 85 of the laws of 1881.

By Mr. Nowlin—to regulate applications for pardons.

By Mr. Tyohsen—to amend section 88, chapter 14 of the laws of 1879, entitled education.

BILLS INTRODUCED.

By Mr. Pyatt—House file 34—to attach certain unorganized territory to Richland county.

By Mr. Inman—House file 35—to amend section 48 of the civil code, relating to recording transfers.

By Mr. Tyehsen—House file 36—requiring ministers to file their credentials with registers of deeds before they can perform marriage ceremonies, and to examine at least one of the candidates for marriage under oath regarding the legal qualifications of both candidates.

By Mr. Harvey—House file 37—providing for the erection of a court house and jail in Walsh county.

By Mr. Rinehart—House file 38—to amend section six, chapter 63, laws of 1881—for the protection of sheep, horses, cattle and other domestic animals against vicious dogs.

COUNCIL BILLS.

Council bill four had its second reading and was referred to the committee on Indian affairs, number ten to the judiciary committee, number twelve to the judiciary committee.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bill thirteen; and, also, house file four, authorizing school district one, Beadle county, to issue bonds; also house file ten, the university bill, with amendments.

On motion of Mr. Inman, the house concurred in the council amendment to house bill ten.

HOUSE BILLS.

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

No. 32—To amend the incorporation act of the village of Scotland—counties, towns and cities.

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No. 32—To amend the incorporation act of the village of Scotland—counties, towns and cities.

No. 31—To repeal section 323 of civil actions and amend section 324 so as to increase the personal property exemption to \$2,000—judiciary.

No. 33—Joint resolution providing for adjournment—military affairs.

House file five, on motion of Mr. Nowlin, was made the special order for next week, Friday. It relates to liquor licenses.

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

No. 16—Passed by unanimous vote.

No. 28—Passed by unanimous vote.

No. 20—Lost by unanimous vote.

No. 25—Amendment recommended by committee adopted and the bill passed.

Mr. McAllister alone voting in the negative.

No. 27—Passed, Messrs. Rice, Tyehsen and Choteau voting in the negative and the rest in the affirmative.

No. 29—Passed by unanimous vote.

No. 24—Passed by unanimous vote.

SPEAKER PRO-TEM.

The speaker appointed Mr. Inman speaker pro-tem to act during his absence. The appointment was received with applause on the part of all the members excepting Mr. Inman.

ADJOURNMENT.

On motion of Mr. Pyatt, the house, at noon, adjourned to ten o'clock Friday morning.

Session Notes.

Mr. Washabough this morning introduced a joint resolution in the council, providing for a joint committee of three from the council and five from the house, to draft a bill for a constitutional convention to be participated in by all that part of Dakota lying south of the 46th parallel. The resolution was given its second and third reading under a suspension of the rules and passed by a unanimous vote of the members present.

Council bill twenty-six, which provides that in case of a petition of seven residents of a county, the district attorney shall take an appeal to the district court from any decision of the board of county commissioners, provided that in the judgment of said attorney there shall be sufficient grounds for an appeal. It was referred to the committee on judiciary and reported back by them with the recommendation that it do pass. The report of the committee was taken up by the council this morning in committee of the whole, and a very heated discussion was provoked. Messrs. Nickeus and Dewey took strong grounds against the bill, while Mr. Washabough, who introduced it originally, and Messrs. Roberts and Scooby took equally strong grounds for it. It was finally recommitted to the committee on judiciary.

Council bill thirty-five—Introduced by Mr. Scooby, provides that in case a husband or wife shall be guilty of desertion or sentenced to one year in any penal institution, the other party shall have the

right to control real estate belonging to him or her.

Council bill thirty-six materially affects the exemption laws. It provides that in case a debtor shall attempt to conceal his property, remove the same from the territory or attempt to assign it to any person or in case credit is obtained by false representations then the debtor shall be entitled to no exemptions except such as are defined as absolute.

In the Sioux City Journal report of legislative doings for Tuesday, occurs the statement that Mr. Rice, in his speech on the Mandan county boundary line, "denounced Judge Moody's convention with the debt of Moody county." Mr. Rice made no allusion to anything of the sort, and Moody county has no debt worth mentioning.

Before the elections committee there was an argument last night relative to the contest from the seventh district, but the committee is not yet ready to report.

Mr. Binehart gave notice in the house of a bill to repeal chapter eighty-five of the laws of 1881. This is the chapter granting extra compensation to Judge Moody, of the first district.

There is a rumor that Sergeant-at-arms La Moure, of the house, contemplates resigning and making a trip to New Orleans, but Mr. La Moure does not confirm the report.

House file 18, which passed the council this morning, provides for a clerk for the judiciary committee, who, when not acting in that capacity, shall act as assistant enrolling and engrossing clerk. The compensation is four dollars per day.

The bill has been drawn taking from the governor power to organize counties. It will provide that on the application of an unorganized county, the judge of the district court of the district in which the applying county is located shall call an election, at which a full set of county officers will be elected and the county seat will be temporarily located at the same election. The officers of the county in which the court is held for the subdivision will canvass the vote and the clerk of the court will issue the certificates of election.