



DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Eighteenth Day.

Council.

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

Prayer by the chaplain.

Roll-call showed all the members in their seat except Mr. Jerauld.

HOUSE MESSAGE.

A message from the house was received announcing the concurrence of the house in the amendment made by the council to house file ten. Also announcing the passage of house files Nos. 16, 24, 25, 27, 28, 29.

Journal read and approved.

BILLS INTRODUCED.

Mr. Jackson—thirty-seven—to amend section 60, article 2, chapter 1, title 1, part 3, of the civil code. This amends the divorce law, making actual separation for three years sufficient grounds for divorce; also, when it shall appear that it is impossible for the parties to live peaceably together and it shall appear to be for the welfare of both to separate.

Mr. McIntosh—thirty-eight—an act for the relief of the tax-payers of Davidson county.

Mr. Walsh—thirty-nine—to establish the office of county attorney.

SECOND READING.

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

Council bill thirty-five—granting to husband or wife power to control and sell real estate in certain cases—committee on judiciary.

Council bill thirty-six—to amend subdivision 3 of section 333 of the code of civil procedure. No debtor who shall conceal himself, remove property shall be entitled to the benefit of the exemption laws—committee on judiciary.

THIRD READING.

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

Council bill seventeen—A bill providing that no fees shall be paid to any person serving a summons in justice court unless the same be an officer.

Mr. Jackson, who introduced the bill, thought the present law worked injustice to sheriff's and their deputies and that the present bill would remedy it.

Mr. Washabaugh did not think the bill would work any reform.

Mr. Roberts was of the same opinion. Mr. Ziebach expressed himself in favor of the bill.

Mr. Burdick spoke against it.

On its passage the vote was as follows: Ayes—Messrs. Jackson, McIntosh, Ziebach. Total, 3.

Nays—Messrs. Burdick, Dewey, Donaldson, Roberts, Walsh, Washabaugh, Scooby. Total, 7.

Absent—Mr. Jerauld.
Not voting—Mr. Nickeus.

Council bill 18 has the same provisions as seventeen, except that it applies to district courts.

On its passage the vote was:

Ayes—Messrs. Dewey, Donaldson, Jackson, McIntosh, Ziebach. Total, 5.
Nays—Messrs. Burdick, Nickeus, Roberts, Walsh, Washabaugh, Scooby. Total, 6.

Council bill twenty-one—to amend section 104, chapter 9 of the code of civil procedure. In regard to personal service of summons outside of the territory.

On its passage Messrs. Ziebach and Nickeus voted aye. All other members nay.

Council bill twenty-four—repealing all from section 697 to 615 inclusive of chapter 28 of the code of civil procedure. In relation to the foreclosure of mortgages by advertisement.

On its passage the vote was:

Ayes—Dewey, Walsh, Scooby. Total, 3.

Nays—Burdick, Donaldson, Jackson, McIntosh, Nickeus, Roberts, Washabaugh, and Ziebach. Total, 8.

HOUSE BILLS.

House files Nos. 16, 24, 25, 27, 28 and 29 were given their first reading.

SECOND READING.

The following house files were then given their second reading and referred to the committees as indicated:

House file nineteen—committee on mines and mining.

House file twenty-three—committee on judiciary.

House file twenty-six—committee on territorial affairs.

House file fifteen—committee on incorporations.

THIRD READING.

The following house files were then given their third reading and put upon their final passage.

House file nine—all voted in the affirmative.

House file one—all members voted aye except Mr. Roberts, who voted nay.

COMMITTEE OF THE WHOLE.

At 11 o'clock the council went into committee of the whole to consider the reports of committees, Mr. Nickeus in the chair.

At 11:10 the committee arose to report. The report was as follows:

Council bill twenty-eight—committee on education recommends its passage with an amendment.

Council bill thirty-three—committee on judiciary recommend its passage.

Council bill twenty-three—committee on public buildings recommended its passage with an amendment.

Council bill thirty-two—committee on judiciary recommended its passage.

Council bill thirty-four—Committee on judiciary recommended its passage.

Council bill twenty-two—committee on counties recommended its passage with an amendment.

Council bill sixteen—committee on

judiciary recommended its passage with an amendment.

Report of committee of the whole accepted.

RECESS.

At 11:20 Mr. McIntosh moved a recess of twenty minutes. Carried.

Called to order at 11:45.

Mr. Dewey, from the committee on charitable and penal institutions, to which was referred the bill amending the charter of Grand Forks, reported that the committee favored submitting it to Mr. Walsh for corrections. On motion it was referred to committee on comities.

ADJOURNMENT.

At 11:50 council adjourned to ten o'clock to-morrow morning.

HOUSE.

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

Prayer by the chaplain.

Roll call showed all members in their seats, excepting Mr. Speaker, who was excused.

The journal was read and approved.

A RESIGNATION.

The speaker pro tem read the resignation of Sergeant-at-arms La Moure—to take effect on Monday next.

THE LICENSE BILL.

Mr. Nowlin moved that the vote by which the house, at yesterday's session, made house file five a special order for next Friday, be reconsidered. Adopted.

NOTICES OF BILLS.

By Mr. McAllister—for the protection of fish in Lakes Herman and Madison, Lake county.

BILLS INTRODUCED.

By Mr. Sterling—house file 39—for the erection of a court house and jail for the county of Beadle.

By Mr. Rice—House file 40—to legalize the record of conveyances of land when the record shows no seal to the certificate of the officer.

By Mr. Rice—house file 41—defining the force and effect of instruments heretofore recorded in the office of the register of deeds when the same were not legally entitled to record.

By Mr. Nowlin—house file 42—to regulate applications for pardons.

By Mr. Tychsen—house file 43—to amend section 88, chapter 14 of the laws of 1879—to require the reading of the bible in public schools.

COUNCIL BILL.

number thirteen had its first reading.

HOUSE BILLS.

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

No. 34—to attach certain unorganized territory to Richland county—counties, towns and cities.

No. 35—to amend section 48 of the civil code, relating to recording transfers—judiciary.

No. 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—judiciary.

No. 37—Providing for the erection of a court house and jail in Walsh county—counties, towns and cities.

No. 38—To amend section six, chapter 63, laws of 1881—for the protection of sheep, horses, cattle and other domestic animals against vicious dogs—judiciary.

House file five—to amend section three, chapter twenty-six, laws of 1874—came up for its third reading and passage and was passed—12 to 10.

Ayes—Messrs. Benson, Bowman, Choteau, Ellis, Harvey, Inman, McAllister, Rice, Rinehart, Thompson, Tychsen, Van Woert. Nays—Messrs. Hauser, Nelson, Nowlin, Pyatt, Robinson, Schafer, Sterling, Torwagner, Wagner, Wynn. The bill provides that the maximum price for a county license to retail liquor be increased from \$500 to \$1,000. The minimum price remains at \$200.

THE SERGEANT-AT-ARMS.

Mr. Pyatt moved that the house consider the resignation of Sergeant-at-Arms La Moure. Adopted.

Mr. Thompson moved that the resignation be accepted. Adopted.

Mr. Pyatt moved that Theodore Reiter, of Richland county, be chosen as sergeant-at-arms to fill the vacancy. Adopted.

RECONSIDERED AND LOST.

Mr. Nowlin moved a reconsideration of the vote by which house file five—the license bill—was passed. Adopted.

Mr. Thompson moved to lay the motion to reconsider on the table. Lost.

The bill then came again before the house on its third reading and final passage and was lost by the following vote: Ayes—Messrs. Benson, Bowman, Choteau, Ellis, McAllister, Rinehart, Tychsen, Van Woert. Nays—Messrs. Hauser, Harvey, Inman, Nelson, Nowlin, Pyatt, Robinson, Schafer, Sterling, Thompson, Torwagner, Wagner, Wynn.

Mr. Thompson voted against the bill for the purpose of being with the majority, so he could make a motion to reconsider the vote by which the bill was lost. He gave notice of a motion to reconsider.

Mr. Nowlin moved that the vote by which the bill was defeated be reconsidered and that the motion to reconsider lie upon the table. Adopted.

ADJOURNMENT.

At 11:30 o'clock the council adjourned to 10 o'clock Saturday morning.

Session Notes.

Speaker pro tem Inman, of Clay county, took his seat in the house this morning, and has presided over the deliberations of that body with dignity and effect. Mr. Inman is the first democrat who has ever enjoyed the honor of presiding over either house of a Dakota legislature. Mr. Inman will handle the gavel during the absence of Speaker Williams—probably until next Tuesday.

Mr. McIntosh this morning introduced council bill thirty-eight, which is to relieve the tax payers of Davidson county. As the question as to who is the properly qualified treasurer of that county is now being settled in the courts, all tax payers are enjoined from paying taxes

until the matter is settled. Mr. McIntosh's bill provides that no penalty shall be attached for the non-payment of taxes until the courts have decided and the proper man put in charge of the office.

Mr. Thompson's bill to increase the maximum price of license, for the sale of liquor to \$1,000 and increase the bond liability of saloon keepers, went half way through the legislature this morning and was then pulled back and set down upon. It passed the house, several of the members voting for it without really knowing what was up, but as soon as they found out the purport of the bill they had passed, they got a reconsideration and killed the bill by a small majority. Mr. Thompson's vote on the final slaughter of the measure was against the bill, but he desires it understood that he went that way for the purpose of being with the majority so he could make a reconsideration motion. Some other member got ahead of him with a reconsideration motion, which was tabled, so Mr. Thompson had no opportunity to carry out his intentions.

The resignation of Judson La Moure, of Pembina, as sergeant-at-arms of the house, which occurred to-day, was foreshadowed yesterday. Mr. La Moure says he is sick and must get home and take care of himself. Pyatt, of Richland, was quick enough to jump into the opening with a constituent who had been promised something and before the shoes of the retiring sergeant-at-arms were cooled, he had them fixed to the feet of Theodore Reiter, a resident of Richland county. Mr. La Moure expects to leave Yankton early next week.

Speaker Williams, of the house, left this morning for Illinois and will be away until Monday night.

There is a strong lobby present from Bon Homme county, looking after the interests of that section.

The Sioux Falls Press has the following regarding a house bill which passed the council this morning:

We learn that the portion of Phillips avenue proposed to be vacated by the bill introduced in the house by Representative Thompson, lies between Second and Third streets, and that it is purely a private and individual scheme which has this interesting feature—that the original owners of the property of the city, embracing the intersections of Second and Third streets with Phillips avenue, having sold the adjoining lots, now ask the legislature to vacate the street bordering them, the land to revert to himself, and leave the present owners to get out by an alley, or as best they can. This is a very clever trick if it doesn't miscarry; but the true inwardness of it Mr. Thompson could not have understood when he presented the bill, and we venture to assert that he and Councilman Jackson will take care that it is speedily throttled. To cut about 400 feet out of any of our streets, and especially our principal business street, leaving it in two disconnected pieces, is too absurd for discussion. Every citizen to whom a knowledge of it has been brought has expressed his emphatic condemnation and indignation at the design of the bill.