

# SESSION IS SINE DIE.

## Both Branches Wound up Their Business at an Early Hour This Morning.

## The World's Fair Bill Failed to Pass After Every Effort in its Behalf.

## Resubmission Also Failed in the Senate—Various Other Measures Acted on.

FROM THURSDAY'S DAILY.

### House.

The house was called to order at 7:30 p. m. by Speaker-pro-tem Rowe. A resolution was offered giving the widow of Representative Heilman the full per diem and mileage to which her husband would have been entitled, which was adopted.

The committee which accompanied the remains of Representative Austin to Vermillion made its report.

H. B. 225, relating to the conveyance of homestead, was read the first time.

S. B. 210 was read the first time.

The hour having arrived for consideration of special order, H. B. 207, the appropriation bill, the house resolved itself into committee of the whole, with Jones of Miner in the chair.

McIntyre moved that the amount for clothing in appropriation for soldiers' homes be increased from \$1,000 to \$2,000. Carried.

On motion of Godard the amount for root cellar and ice chest was increased from \$100 to \$150.

Godard moved that the amount for barn be increased from \$250 to \$500. Lost.

Section 18, appropriation for commissioner of immigration, was stricken out.

Section 20, appropriation for veterinary surgeon, was stricken out.

Section 21, expenses state board of regents, was reduced from \$1,500 to \$800 yearly.

In the appropriation for the attorney general's office, the amount for clerk hire and expenses was increased from \$500 to \$800, and \$115 was added for 1891 for the distribution of the attorney general's opinion.

McLeod made a speech in favor of retaining the bureau of labor and statistics.

The motion was made that the committee rise and recommend passage of the bill as amended.

Hubbard moved that sections 10 and 14 be passed as originally introduced. Lost.

Schnauber moved that the item in appropriation for school for deaf mutes remain as it is in printed bill, which motion prevailed.

On motion the report of the committee as amended was adopted.

Peacock offered a bill, No. 336, for an appropriation covering the expenses of committee on funerals of Representatives Austin and Heilman. The amount of the first bill was \$136.35, the second \$100 or so much thereof as may be necessary.

Walker moved that the desks and chairs occupied by the late deceased members, Austin and Heilman, be given to their families. Carried.

The appropriation committee introduced H. B. No. 327, to cover deficiencies. A number of reports were received and read.

On motion the house adjourned until 9:30 a. m. Thursday.

### Senate.

AFTERNOON SESSION.

The senate was called to order at 2 p. m. by Lieutenant Governor Hoffman presiding.

The following bills were read the first time:

S. B. No. 289—Washabaugh: A joint resolution providing for printing and distributing house and senate journals to state officers, members of the legislature, employees and others.

S. B. No. 281—Melville: Providing for the investment, by the committee of school and public lands, of the proceeds arising from the sale of school lands, creating the permanent school fund.

The following bills were read the third time:

H. B. 107, permitting rate of levy in cities, towns and villages, incorporated under special charter, to be not to exceed 10 mills on the dollar for city purposes. Passed.

The death of Representative Heilman, of Hand county, was announced to the senate, and Messrs. Scott, Melville and Wickham were appointed a committee to draft appropriate resolutions for the occasion.

Major moved the appointment of two members of the senate to accompany the remains of Representative Heilman to his former home in Hand county.

Messrs. Major and Drew were appointed the committee.

Several house bills were given their second reading.

The senate then, out of respect to the memory of Representative Heilman, adjourned until 10 a. m. Thursday.

### House, Fifty-ninth Day.

House was called to order at 9:30 a. m. by Chief Clerk Cone, and Converse was called to preside in the absence of the speaker.

Prayer by Rev. Hickman, of Leola. Roll call showed a quorum present.

Davis asked leave to introduce a motion, which was granted. It asked that the vote whereby the senate was given permission to hold a session in the Locke be reconsidered. Schnauber moved to lay the motion on the table. Roll call was demanded without debate, giving 44 yeas, 54 nays, 22 absent. Hubbard moved a call of the house, which prevailed. McIntyre moved that further proceedings under the call be dispensed with, which was lost. After awhile another motion of the kind was made by Jones of Miner, which on roll call received 60 yeas, 42 nays, 20 absent. Kelley of Moody after

awhile moved to dispense with the proceedings under the call. On roll call 58 yeas, 40 nays were given.

The sergeant at arms, at 11:25, reported all members were present, and further proceedings under the call were dispensed with.

The question then recurred on the passage of the original motion.

Buchanan then took the floor, and stated the passage of the resolution last night was snap judgment.

Eppard offered an explanation, stating Scattergood did not understand the nature of the resolution last night, and in his absence offered this reason for Scattergood's mistake in introducing the resolution.

Roll call gave 63 yeas, 43 nays, and the motion to reconsider carried.

McIntyre moved to lay on the table Scattergood's resolution which carried.

Bartow moved the rules be suspended and S. B. 232 be passed, which prevailed. This is the general appropriation bill as finally agreed to between both houses.

Brown moved to amend by making an appropriation of \$1,000 for salary and expenses of the engineer of irrigation, which carried.

Several other dilatory motions were made to change the bill, but without success, when roll call on its final passage gave 71 yeas, 31 nays, 20 absent, and the bill was lost.

Cooper offered the following resolution, and moved its adoption, which prevailed:

Whereas, it has been charged that a fraudulent claim against the state has been presented to the auditor of this state by Hon. M. H. Day, and that the same has been allowed and a warrant on the treasury has been issued therefor, be it

Resolved, That a special committee of three be appointed by the speaker of the house to fully investigate these charges and report the facts thereof to this house, and that said committee have power to send for persons and papers.

Messrs. Cooper, Helknap and Keiley of Moody were appointed the committee.

A bill appropriating \$136.65 to pay the funeral expenses of the late deceased members, Hons. H. J. Austin and J. H. Heilman, was introduced and passed.

House then adjourned to 2 p. m.

### AFTERNOON SESSION.

House called to order by the speaker at 2:30 p. m.

Resolutions instructing warrants for per diem to be sent to absent members, and giving the janitor \$30 extra, were adopted.

A resolution to give pages, clerks and messengers extra pay was lost.

The following house bills passed on third reading:

H. B. 197, relating to time when city officials shall take their seats.

H. B. 213, amending section 7312, criminal laws, on change of venue in criminal cases.

H. B. 97, compelling railroad companies to furnish cars on short notice.

H. B. 287, relating to publication of constitutional amendments.

H. B. 211, amending section 5139, compiled laws, allowing only exemptions where an execution is issued on judgment arising out of tort.

H. B. 372, making taxes on personal property a lien prior to chattel mortgages.

H. B. 245, defining a legal fence.

S. B. 232, the appropriation bill as amended by the house.

H. B. 279, memorializing congress to pass certain useful laws on copyrights, patents, etc.

H. B. 290, amending the noxious weed law.

H. J. R. 324, regarding selection of in demnity lands by land commissioner.

H. B. 177, providing for reference of causes.

H. B. 241, to prohibit creating indebtedness against the state.

H. J. R. 328, authorizing secretary of state to distribute journal and session laws to certain public officials.

H. B. 216, relating to service of stallion.

### EVENING SESSION.

The house reconvened at 7:30 p. m.

The following bills were read the third time and passed:

H. B. 249, preventing state auditor from drawing salary as insurance commissioner. Adjourned to 10 a. m. tomorrow.

### Senate, Fifty-ninth Day.

Senate met at 10:40 presided over by P. P. Washabaugh, president pro tem.

Prayer by chaplain. Roll call showed a quorum present.

The reading of the journal of yesterday was dispensed with.

On motion, the house amendments to S. B. 60, the appropriation bill, were concurred in, making 45 senators—24-83 representatives for the future.

Senate then went into committee of the whole, with Preston in the chair, to consider S. B. 220, requiring railroads to put in a "Y" and a depot building at crossings where there was a post office and fifty people. On recommendation of the committee of the whole, the bill passed.

S. B. 267, appropriating \$4,000 for an artesian well in Beadle county, failed to pass.

The vote whereby S. B. 136 was lost, was reconsidered and the bill again placed on final passage.

French gave notice he would tomorrow move a reconsideration of the vote wherefore by the bill passed, which debars it from ever getting into the house.

Senate adjourned to 2 o'clock p. m.

### AFTERNOON SESSION.

Senate reconvened at 2 p. m. President pro tem Washabaugh presiding.

After the completion of reading reports the senate entered upon third reading of senate bills.

S. B. 281 providing for investment of the permanent fund arising from the sale of school lands by the commissioner of school and public lands. Passed.

S. B. 165 relating to extending the boundaries of the independent school districts was indefinitely postponed.

S. B. 257, providing for deficiency at the soldiers home. Passed.

S. B. 106, providing for the organization and management of state banks. Passed.

S. B. 280, a joint resolution for distributing house and senate journals to mem-

bers, state officers and other persons. Passed.

On motion of Maxwell the vote whereby S. B. 267 was lost was reconsidered and the bill again put upon its final passage and passed. This bill makes an appropriation for the state experimental artesian well.

S. B. 60, regulating the salaries of county judges, and fixing the same on the basis of population. Passed.

S. B. 145, establishing a blind and orphan asylum at Watertown. Ayes 26. The president pro tem held that the bill called for an appropriation, and in order to pass must have a vote of 30 senators. Sheafe appealed from the decision of the chair. The chair was sustained by a rising vote of 16 for and 15 against, and the bill was declared lost.

S. B. 44, providing for assessment and taxation of mortgages in the name of the real party in interest. Lost.

The following house bills were given third reading and passed:

H. B. 19, limiting pay and mileage of county commissioners; not to exceed \$25 per diem nor \$40 for mileage per annum. Passed.

H. B. 200, relating to fees of the secretary of state in certain cases and fixing the same. Passed.

A message was received from the governor vetoing S. B. 245, authorizing the governor to deed and convey to the general government the soldiers' home in case congress makes an appropriation therefor.

H. B. 187, amending chapter 7, laws of 1890, changing terms of circuit court in certain counties. Passed.

Senate proceeded to consider veto message as above read of S. B. 245, and the question being on the passage of the bill against governor's objections, the veto was sustained.

H. H. 140, regulating the changing of trials to county and circuit courts. Passed.

At this time senate refused to concur in house amendments to S. B. 232, the appropriations bill, and ordered appointment of conference committee.

H. B. 24, providing for a lien for farm laborers upon the products of their labor. Lost.

The governor sent to the senate the following nominations:

W. S. Peterson to be a member of the board of regents of education, vice Dr. Stanley, deceased.

Titus E. Corkhill to be mine inspector. He is at present holding that position.

Hon. C. S. Palmer commissioner of the soldiers home vice Capt. W. V. Lucas resigned.

Messrs. Warner, Potter and Corey were appointed a conference committee on the appropriations bill.

H. B. 73, providing for registration by the state treasurer of the outstanding bonds of the state. Passed.

H. B. 138, amending section 2, chapter 65, laws of 1890, relating to assessment of property in unorganized counties, requiring them to pay judicial as well as state taxes. Passed.

H. B. 312, accepting grants of money for the maintenance of the agricultural college made by congress. Passed.

H. B. 12, reducing the number of grand jurors to six, and the panel to be served in order to secure same to eight, providing that five may indict. Passed.

A number of house bills were given their first and second reading and reference.

The senate then went into executive session.

### EVENING SESSION.

Senate called to order at 10:20 p. m., by the secretary, in the absence of both the lieutenant governor and President-pro-tem Washabaugh.

Kittredge nominated Senator McFarlane as president pro tem for the evening, and he was elected.

The session was protracted until nearly 2 a. m. waiting for and receiving messages from the house and giving first and second reading of house bills transmitted to senate, when adjournment was taken to 10 a. m. Friday.

### House, Sixtieth Day.

House called to order at 10 a. m. by Chief Clerk Cone.

The speaker being sick, McCormack and Rowe of Brule were nominated. The latter asked to be excused in favor of the former, which request was granted and McCormack mounted the stand, remarking he was grateful for the honor but was sorry to see partisan spirit manifested on this, the last day.

Prayer by Chaplain Carpenter. Roll call showed a quorum present.

Covey presented a resolution reciting that the clerks had more work than those in the senate, and asked that their pay be accordingly.

As this matter had been tabled a motion was made that it be taken from the table, which, on roll call, was carried by 72 yeas, 21 nays.

Covey again moved the adoption of his resolution. Converse showed its unconstitutionality. Roll call then gave 62 yeas, 35 nays, and the motion prevailed.

Cooper, as chairman of the committee appointed to investigate the charges made against M. H. Day, reported as follows:

Your special committee appointed to investigate the charges made against Col. M. H. Day, upon the floor of the house, performed the duty, and beg leave to submit the following report, to-wit:

We have carefully investigated each and every one of said charges and find there was no foundation whatever for any of them, and would respectfully recommend that Col. M. H. Day be exonerated entirely and completely, and that this report be spread upon the records of this house. (Submitted by Miles M. Cooper, W. S. Helknap and J. E. Kelley, committee.)

S. B. 269, fixing the terms of court in certain counties, was read the third time and passed.

S. B. 218, repealing the law requiring hides of animals slaughtered to be kept ten days after the killing was read the third time and passed.

Bartow, Beuchler and Snyder were ap-

pointed a conference committee on S. B. 171.

S. B. 281, providing for loaning of school money to the counties in proportion to their valuation, was read the third time and passed.

Kelley of Moody moved S. B. 64 be placed on its final passage under suspension of rules.

Buchanan and Kelley locked horns and butted each other over the floor in great shape.

A division was called for which gave 41 yeas and 43 nays. Lost.

S. B. 104, providing for the purchase and distribution of the supreme court reports, was read the third time and lost.

A recess was taken until 2 o'clock.

### AFTERNOON SESSION.

The house was called to order at 2 o'clock.

A resolution was adopted thanking Speaker Seward for the able, fair and impartial manner in which he had presided over the house deliberations.

The following senate bills were passed on third reading:

S. B. 206, providing for satisfaction of chattel mortgages.

S. B. 250, providing for claims due in building a wing to the Yankton insane asylum.

S. B. 268, relating to foreclosure of mortgages.

S. B. 275, placing Farm and American islands under the jurisdiction of Hughes and Brule counties respectively.

S. B. 216, authorizing counties to purchase real estate at judgment sales, when interested.

S. B. 102, providing a seal for the land commissioner.

S. B. 178, providing time for holding court in fourth judicial district.

S. B. 227, providing for settlement between state and county treasurers.

S. B. 251, providing for transfer of \$588,000 for outstanding liability of the territory assumed by South Dakota.

S. B. 114, the deficiency appropriation bill, passed.

Resolutions on the death of Representatives Austin and Heilman were read and adopted.

A resolution conveying thanks to Chief Clerk Cone for his splendid services was adopted.

### NIGHT SESSION.

The house continued final passage of senate bills.

S. B. 54, abolishing office of immigration commissioner passed.

S. B. 264, allowing counties to issue funding bonds, passed.

S. B. 210, providing for condemnation of warehouse on railroad property.

S. B. 106, providing for the organization of state banks.

S. J. R. 280, providing for distribution of permanent journals.

S. B. 262, creating the office of sheep inspector, passed.

Clerk Cone was allowed 100 days for printing and distributing the permanent journal.

S. B. 221, removing political disabilities of Chas. R. Stocking, passed.

S. B. 157, establishing a board of public health, passed.

S. B. 122, making counties pay \$10 a month for expenses of insane, passed.

S. B. 233, relating to state printing, and awarding contracts, passed.

A resolution of thanks to the Chicago and Northwestern road for courtesies extended, was adopted.

Resolutions expressing appreciation of the services of Clerks Coy and Ashley, Speakers pro tem Rowe and McCormack, the pages and other employes, were passed with the usual profusion.

The usual scenes of hilarity and good feeling marked the closing hours.

From the hour of 2 a. m. on, the members commenced disappearing.

Taylor of Beadle was called to the platform to make a speech, and he astonished the house with a real speech, full of good points, both humorous and pathetic.

Thus ended the chapter of the second legislative assembly of the state of South Dakota.

### Senate, Sixtieth Day.

Senate met promptly at 10 a. m., President-pro-tem Washabaugh presiding.

Prayer by chaplain. Roll call showed a quorum present.

The journal was read and approved.

House amendments to revenue bill were not concurred in and a conference committee consisting of Kennedy, French and Sheafe was appointed.

The rules were suspended and H. B. 41 providing a uniform system of tax books was considered.

Sheafe offered an amendment fixing prices at a maximum on each book. This resulted in considerable discussion.

On motion of Kittredge all senate bills now on first and second reading were indefinitely postponed.

A number of committee reports were considered.

The senate then took a recess until 2:30 p. m.

### AFTERNOON SESSION.

Senate called to order by lieutenant governor at 2:30 p. m.

Drew offered a resolution tendering the thanks of the members of the senate to the Chicago and Northwestern railway for running a special train to Pierre for the purpose of securing the attendance of a physician at the bedside of Senator Clarke.

The following bills were read the third time:

H. B. 208, providing for leasing a portion of the state house, and for improving the same. Passed.

H. B. 190, authorizing cities to reassess for street grading where heretofore, from any cause, a former assessment may have been set aside. Passed.

H. B. 189, authorizing cities of the first class to condemn and construct sewers and place in sewer pipes. Passed.

H. B. 196, substitute, providing for juries to examine and assess property condemned for use of municipal or other corporations. Passed.

H. B. 287, providing for publication, by secretary of state, of proposed amendments to the state constitution. Passed.

H. B. 188, legalizing acts of the city of Sioux Falls in assessing certain property

for grading purposes and other improvements. Passed.

H. B. 41, establishing county uniformity of text books, and providing a maximum cost for same. Passed.

H. B. 185, providing for publication of notices in cities or towns, in which no paper is published in the English language, in any other paper in the county published out of said town. Passed.

H. B. 184, amending section 7, article 37, laws of 1890, providing that cities incorporated under said law may elect a city attorney and engineer not a resident of the city. Passed.

H. B. 193, authorizing city treasurers to purchase lands and lots advertised for sale for unpaid special assessments. Passed.

The report of the conference committee on S. B. 171, the revenue bill, was read and approved.

The following bills were read the third time:

H. B. 197, amending section 10, article 14, chapter 37, laws 1890, providing that officers in cities take possession of offices to which they are elected the first Monday of May of each year. Passed.

H. B. 246, providing for the creation of a fund for maintenance of the hospital of insane and conveying patients thereto. Lost. The vote was reconsidered for amending the bill to cover transportation only.

H. B. 326, providing an appropriation for payment of funeral expenses of Hons. Austin and Heilman, representatives deceased. Passed.

H. B. 250, amending section 3076 compiled laws which allows state auditor to retain \$2,000 of the fees paid into his office. Bill abolishes the provision and requires auditor to pay over all fees. Passed.

H. B. 246, as amended, providing for payment by counties of transportation of insane and having a messenger sent from the asylum for the purpose of accompanying patient. Passed.

The pay of J. C. Adams, clerk, was increased from \$3 per day to \$4 per day during the session.

A vote of thanks was tendered Lieut. Gov. Hoffman for the impartial manner in which he had presided and the chair he had occupied was given him.

Senate took a