

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Twenty-Eighth 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 excepting Mr. Walsh.

Journal read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing that the house still adhered to its amendment of council bill 13 to amend section 163 of chapter 2 of code civil procedure. Also announcing that the house had concurred in council amendments to house file No. 24—to regulate applications for pardons—and requesting concurrence in the passage of house file No. 48, (substitute) to amend chapter 122 of the session laws of 1881, referring to the registry of electors and the prevention of fraudulent voting.

Mr. Ziebach moved that the council do not concur in the house amendment to council bill 13. Carried.

Mr. Ziebach moved the bill be referred to a conference committee. Carried.

Mr. President appointed as such committee, Messrs. Ziebach, Roberts and Dewey.

NOTICES OF BILLS.

By Mr. Nickens—A bill to provide for the taking of a census June, 1884.

INTRODUCTION OF BILLS.

By Mr. Roberts—Council bill No. 82—to amend section 718 of the criminal code, providing that the disclosure of the contents of any telegram without the consent of the person to whom it was addressed or by the order of a court of law, be made a misdemeanor.

By Mr. Washabaugh—Council bill 83—to provide for the construction and furnishing of a normal school at Spearfish.

By Mr. Washabaugh—Council bill No. 84—to authorize the city of Deadwood to issue bonds in the sum of \$100,000, for the aid of a standard gauge railroad.

By Mr. Jerauld—Council bill No. 85—to amend chapter 46, of the laws of the thirteenth session, entitled, an act to amend chapter 3, of title 2, of part 3, of division second, for the organization of railroad corporations, and to regulate the operations thereof, and to provide for the taxation of their property.

By Mr. Dewey—to amend section 546, article 14 of the civil code, providing for the election of officers of religious corporations.

By Mr. Nickens—council bill No. 87—to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales.

By Mr. Dewey—No. 88—to regulate the practice of pharmacy and the sale of poisons.

SECOND READING OF COUNCIL BILLS.

The following council bills were read a second time and referred to the committees named:

No. 74—Committee on territorial affairs.

No. 76—Committee on appropriations.

No. 79—Committee on public buildings.

No. 80—Committee on public buildings.

HOUSE FILES.

House file 48, entitled a bill for an act amending chapter 122 of the session laws of 1881, entitled "an act for the registry of electors and to prevent fraudulent voting," was read the first time.

House file 52, providing for the taxation of express companies, was read a second time and referred to committee on railroads.

COMMITTEE OF THE WHOLE.

The council went into a committee of the whole for the consideration of reports of committees with Mr. Dewey in the chair.

When the committee arose it reported through its chairman recommendations as follows:

That the report of the judiciary committee on council bill No. 41 to amend section 333 of the code of civil procedure be adopted with the amendments of the committee—that the report of the committee on incorporations on house file No. 22 be adopted without amendment;

that the report of the committee on judiciary on council bill 73—to amend section 321 of the code of civil procedure be adopted without amendment; that the report of the committee on territorial affairs on house file No. 47, be not accepted and the house file be referred to the committee on railroad affairs; that the report of the committee on house file No. 53, be adopted; that the report of the committee on appropriations on council bill No. 66 be adopted; that the report of the committee on appropriations on house file No. 39 be adopted; that the report of the committee on appropriations on house file 37 be adopted; that the report of the committee on elections after discussion, was referred back to the council to be made the special order at two p. m.

The report of the committee of the whole was adopted.

A communication having been received from the secretary of the territory, asking for the election returns in the McAuley vs. Donaldson contest case, the chairman of the committee on elections was, on motion, instructed to comply with the request.

MESSAGE FOR THE GOVERNOR.

A message was received from the governor, stating that he had approved signed and delivered council bill No. 12, relative to the spread of glanders and summary destruction of glandered animals.

RECESS.

On motion of Mr. Jackson, the council took a recess until two, p. m.

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 60—providing that persons convicted of murder shall suffer the death penalty or imprisonment for life, at the discretion of the jury—with an amendment and a recommendation that it pass as amended; also council bill 42—relating to docketing judgments—with an amendment and a recommendation that it pass as amended; also house file 61—relating to increased facilities for trials in certain cases—with a recommendation that it pass; also council bill 16—making obscene language a misdemeanor, by substitute, and a recommendation that the substitute pass; also house file 60—providing for appeals to district courts from the decisions of boards of equalization—with a recommendation that it pass.

Mr. Lamb, from the committee on enrolled and engrossed bills, reported that house files 23, 24, 25, 26 and 29 had been correctly enrolled and engrossed.

Mr. Nelson, from the committee on counties, towns and cities, reported house file 12—to create the county of Becker—with a recommendation that it be laid on the table.

Immediately afterwards Mr. Nelson asked permission to withdraw his report, as some other disposition of the bill had just been suggested to him. Permission was granted and the bill was in its order for consideration.

EXEMPTION.

Mr. Sterling introduced a concurrent resolution requiring the judiciary committees of both houses to prepare and present a complete exemption bill, and moved its adoption. It was adopted.

NOTICES OF BILLS.

By Mr. Fyatt—to amend section 400, article three of the civil code, entitled corporations.

By Mr. Fyatt—to amend section five, chapter nineteen of the political code.

By Mr. Allred—to authorize joint school district 33, of Cass and Barnes counties to issue bonds.

By Mr. McCallister—to provide funds for construction and furnishing a building for a territorial normal school at Madison, Lake county.

By Mr. Sterling—to incorporate the city of Pierre.

BILLS INTRODUCED.

By Mr. Bowman—House file 67—providing that none but taxpayers and freeholders are competent to sit on grand juries and providing for pre-emptory challenges of grand jurors on special venues.

By Mr. McCallister—House file 68—authorizing the village of Madison, Lake county, to issue bonds for the purchase of normal school lands.

By Mr. Sterling—House file 69—empowering judges to issue orders relative to holding courts, where proper facilities are not afforded at the county seats.

By Mr. Lamb—House file 70—to authorize school district one, Clark county, to issue bonds for school house purposes.

By Mr. Benson—House file 71—to incorporate the city of Lisbon, Ransom county.

By Mr. Rice—House file 72—to vacate the town plat of Roscoe, Moody county.

COUNCIL BILL

twenty-six—to amend section 46, chapter 21 of the political code—providing for appeals from county boards—had its second reading and was referred to the committee on judiciary.

HOUSE BILLS.

Mr. Sterling moved that, under a suspension of the rules house file 60, introduced this morning, have its several readings and be put upon its final passage. The motion was adopted and the bill passed by unanimous vote. It provides for holding courts where county seats furnish no facilities.

SECOND READING.

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

No. 64—to define the boundaries of the first judicial district, &c—judiciary.

No. 65—to amend the fence law for the Black Hills counties—territorial affairs.

No. 66—to repeal certain parts of the funding act for Pennington and Custer counties of the session of 1879—judiciary.

The following house bills, full reference to which is made in the foregoing committee reports, had their third reading and were disposed of as indicated:

No. 61—passed unanimously.

No. 60—passed unanimously.

No. 56—passed, Mr. Choteau voting in the negative and all the rest in the affirmative.

COUNCIL BILLS.

Sixteen and forty-two (see committee reports) reported back by substitute and with amendment, were referred by the speaker to the committee of the whole, under the new rule.

COMMITTEE OF THE WHOLE.

On motion of Mr. Inman, the house, 10:45 a. m., went into committee of the whole for the consideration of the general order, Mr. Inman in the chair. At 10:55 a. m. the committee rose and reported a recommendation that council bill 42 pass as amended—that council bill 16 pass by substitute—that council bill 82 pass as amended. The report was adopted.

BILLS PASSED.

Under a suspension of the rules the foregoing council bills were put upon their third reading and passage. Nos. 43 and 16 passed unanimously and No. 32 passed, Messrs. Ellis, Inman, McCallister, Nelson, Robinson, Tychsen, Wagner, Wynn and Mr. Speaker voting in the negative, Mr. Phillips not voting and all the rest voting in the affirmative.

No. 42 makes the docketing of a judgment a lien upon real property, excepting the homestead. No. 16 provides for the punishment of obscene language. No. 32 provides that parties foreclosing

mortgages shall be entitled to costs and disbursements out of proceeds of sale, and shall be entitled to attorney's fees in certain cases.

A MESSAGE

was received from the governor announcing that he had approved and signed house file two—to legalize the incorporation of Wahpeton; house file four—to authorize school district one, Beadle county, to issue bonds.

BILLS SIGNED.

The speaker announced that he had signed council bills 34 and 15.

ADJOURNMENT.

The house at 11:15 a. m., adjourned to ten o'clock Wednesday morning.

Session Notes.

Mr. Nowlin has put a bill into the house which places all that portion of Dakota west of the Missouri and south of the 46th parallel in the first judicial district, and restores to Rapid City the United States court, removed from there to Deadwood some years ago. It is not probable that this measure will pass without a struggle, as Lawrence county has four representatives in the legislature.

There was a long discussion in the council to-day over the report of the elections committee on the investigation of the contest in the seventh district. The committee reported favorably to Mr. McAuley and against Mr. Donaldson, the sitting member. The effort of those members of the council who favored Mr. Donaldson was to reopen the subject and make the entire council, instead of the committee, the judges of the evidence. This induced a protracted argument which lasted until four o'clock this afternoon. In the end a vote was taken and Mr. McAuley was seated in place of Mr. Donaldson by a vote of seven to three, Messrs. Dewey, Roberts and Mr. President voting in the negative and all the rest in the affirmative. Mr. Donaldson gracefully vacated his seat, and Mr. McAuley took possession of it.

The session will be half completed to-morrow.

The lobby of the council chamber was crowded this morning during the discussion of the report of the committee on elections.

Mrs. Walsh is expected to accompany the member from Grand Forks, on his return from St. Paul.

Mr. Dewey's bill to regulate the practice of pharmacy and the sale of poisons, provides that it shall not be lawful for any person, except one properly qualified and recognized as a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to open or conduct any pharmacy or store for such purpose, neither on his own account, nor as a clerk, unless such person shall be a registered pharmacist or a registered assistant in pharmacy, except as is hereinafter provided.