

# Daily Press and Dakotaian

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Number 223.

## DAKOTA LEGISLATURE.

Thirteenth Session—Daily Report of the Proceedings of the Council and House of Representatives.

### SECOND DAY.

#### GENERAL COMMENTS.

Coming events in the way of legislation are casting their shadows—somewhat indistinct, as yet, but sufficiently well defined to be perceptible to the searching vision. There is a general disposition to take action upon the suggestions contained in the governor's message. There is but one sentiment among members regarding the message and that is that it is eminently sound in all its details. The governor's presence yesterday had an excellent effect. Many of our legislators were unacquainted with him and even this formal coming together won them over to an appreciation of his abilities and gave weight to the suggestions embodied in his first official communication.

There is a disposition, even so early in the session as this, to correct the laws of the territory upon educational matters and to provide an enactment which will give to Dakota a school code of liberal provisions and one which will compel the complete fulfillment of duties upon the part of all officers entrusted with this performance.

Matters pertaining to the financial management of the territory will also receive early attention. This is a point upon which all legislators are exceedingly tender. They are the watch dogs of the treasury and any intimation of an encroachment upon the domain they are chosen to guard induces an ominous growl all along the line.

It is generally admitted that some sort of an improved prison system should be instituted, but ideas upon the subject have not yet taken definite shape. The public can, however, look for some valuable legislation upon this subject from the present legislature; and there are also decided indications of an improvement in the laws for the care of the insane and other unfortunates. Something will also be done to curtail the opportunities now possessed by probate judges for imposing useless expense upon the territory and turning profits into their own pockets by taking advantage of the peculiarities of existing laws. A flagrant instance of this exercise of power has been brought to the notice of the governor and his emphatic denunciation of the practice has awakened the attention of legislators to the evil.

In our reference yesterday to Speaker Jackson we omitted the important item that he has been interested in Dakota in a financial way for the past seven years, and has been in the territory much of the time during that period. For two years past he has made Minnehaha county his permanent home and expresses a belief that he will not again depart from so goodly a land.

There was a lively discussion in the house to-day over the proposition to print the governor's message in several languages. Mr. Burbank led the opposition to the movement, while Mr. Helvig and Mr. Fockler were its especial champions. The balance of the house, though somewhat uneasy under the running debate, was comparatively silent on the main issue. But Burbank forced them to show their hands by calling the ayes and noes on the question and then only five members voted against it. Mr. Burbank succeeded in getting in an amendment in behalf of his Bohemian constituents, which will be highly gratifying to them. Mr. Gunderson was the only foreigner in the house who voted against the measure. Mr. Burbank will move a reconsideration to-morrow, when another discussion will ensue.

Gov. Howard to-day sent to the house a supplemental report from the territorial treasurer, which bears the following official endorsement: "Received and filed in the governor's office at Yankton, D. T., January 14, 1879 at 10:30 o'clock a. m." This report gives an itemized account of receipts and disbursements for two years ending November 30, 1878, and should have been made prior to the 15th day of December last, under the statute regulating the duties of territorial treasurers. The report made at that time was incomplete and unsatisfactory and from it the governor was not able to obtain much information regarding the condition of the affairs of the treasurer's office. This supplementary report has been placed in the hands of a special committee, consisting of J. R. Gamble, of Yankton, who will examine it and report results.

The speaker of the house is at work making up his list of standing committees and it is understood that they will be announced at to-morrow's session. The adoption of the report of the committee on rules was a necessary preliminary to this work and as that has been accomplished, Speaker Jackson is now ready to fix up his committee list.

#### THE COUNCIL.

Wednesday, Jan. 15.—The council met at 10:30 o'clock a. m. and was called to order by the president.

Prayer by Chaplain Potter.

Roll called; members all present except Mr. MacNider.

The minutes of yesterday's proceedings were read and approved.

#### REPORT OF COMMITTEES.

Mr. Cuppett, from the select committee to report rules for the government of the council, reported in favor of adopting the rules of the last council with a few amendments. The report was received and the rules reported by the committee adopted.

#### RESOLUTIONS.

Mr. Miner offered the following resolution, which was adopted:

Resolved, That the federal officials be invited to occupy seats within the bar of the council whenever they choose to occupy the same.

Mr. Pettigrew offered the following joint resolution, which under a suspension of the rules was adopted:

Be it resolved by the legislative assembly of the territory of Dakota, That the secretary of the territory is hereby instructed to furnish to each member of the legislature one copy of the revised codes of the territory of Dakota passed at the last session of the legislative assembly.

#### NOTICE OF BILLS.

Mr. Pettigrew gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill to locate and provide for the building of a territorial prison.

Mr. Kuykendall gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill increasing the number of justices of the peace and constables, and providing for their election.

The president of the council then announced the following

#### STANDING COMMITTEES:

Judiciary—Messrs. Roberts, Pettigrew, Kuykendall.

Education—Messrs. Wynn, Valentine, Cuppett.

Finance and Expenditures—Messrs. Edmunds, MacNider, Day.

Elections—Messrs. Rohr, Ellis, Miner.

Railroads—Messrs. Pettigrew, Valentine, Roberts, Cuppett, Edmunds.

Counties—Messrs. Ellis, MacNider, Kuykendall.

Territorial Affairs—Messrs. Valentine, Edmunds, Roberts.

Public Printing—Messrs. Cuppett, Pettigrew, Wynn.

Engrossed and Enrolled Bills—Messrs. MacNider, Wynn, Rohr.

Highways, Roads and Bridges—Messrs. Day, Ellis, Miner.

Mines and Mining—Messrs. Kuykendall, Rohr, Valentine.

Agriculture—Messrs. Miner, Ellis, Rohr.

Immigration—Messrs. Cuppett, Roberts, Kuykendall.

#### MESSAGE FROM THE GOVERNOR.

A message was received from the governor by his private secretary, informing the council that he had this day transmitted to the house the report of the territorial treasurer.

#### GOVERNOR'S MESSAGE.

Mr. Roberts offered a resolution that a select committee of three be appointed to which shall be referred the governor's message, which resolution was adopted.

On motion of Mr. Edmunds the vote by which the resolution was adopted was reconsidered.

Whereupon, by unanimous consent, Mr. Roberts withdrew the resolution.

On motion of Mr. Edmunds it was voted that the council will go into committee of the whole at 10 o'clock to-morrow on the governor's message.

#### MESSAGE FROM THE HOUSE.

A message from the house informed the council that the house had passed a joint resolution ordered the printing of 1,500 copies of the governor's message for the use of the members of the legislative assembly.

On motion of Mr. Pettigrew the council adjourned until 10 o'clock to-morrow.

#### THE HOUSE.

The house was called to order at ten o'clock this morning, and proceedings were opened with prayer by the chaplain.

Mr. Speaker in the chair.

Roll call showed all the members in their seats excepting Mr. Gamble.

The reading of that portion of the previous day's proceedings, which included the governor's message, was dispensed with, and the balance of the proceedings read.

A. Culbertson, elected yesterday as watchman for the house, was presented by Mr. Stephens, and sworn in by the speaker.

#### COMMITTEE REPORTS.

The select committee on revision of rules reported progress, and asked for further time to complete its work.

Mr. Burbank, chairman of the select committee on joint rules, moved that the committee be discharged, as its work was fully provided for in the appointment of the general committee on rules. The motion was adopted.

#### GENERAL ORDER.

Mr. Stephens presented a resolution requesting the secretary of the territory to furnish each member of the house and the council with a copy of the revised codes of the territory. Adopted.

#### COUNCIL MESSAGE.

A message was received from the council announcing the appointment of a committee on joint rules.

#### GENERAL ORDER.

Mr. Fockler asked permission to submit a substitute to rule nineteen.

Mr. Gamble said that the committee was nearly ready to submit its report on rules, and Mr. Fockler withdrew his request.

Mr. Gray moved a recess of a half an hour. Adopted.

#### AFTER RECESS.

On motion of Mr. Burbank, it was ordered that fifteen hundred copies of the governor's message be printed.

#### A COMMUNICATION.

was received from the governor, transmitting a supplemental report from the territorial treasurer.

#### GENERAL ORDER.

Mr. Helvig moved as an amendment to Mr. Burbank's motion that the message of the governor be printed in the German, Scandinavian and English languages—300 in German and 300 in Scandinavian.

Mr. Stephens said he understood that 1,500 copies had already been ordered and thought it would require an additional motion to effect the object aimed at by Mr. Helvig.

Mr. Fockler said 1,500 had been ordered without reference to the language in which they were to be printed.

Mr. Gray said he would like to see the message printed in several languages, but was of the opinion that the motion ordering the printing had already been passed.

Mr. Gamble was of the opinion that Mr. Gray's point of order was well taken. He also suggested that if a motion of this nature should be adopted it would be necessary to pay the cost of printing in foreign languages from the funds of the territory, as the government would not liquidate any such claim.

Mr. Burbank by way of explanation, said that his motion calling for the printing of 1500 copies of the governor's message was made with the understanding that the English language was to be employed. It was now only in order to offer a new motion calling for the printing of additional copies in other languages.

Mr. Fockler moved that 400 copies of the governor's message be printed in German and 400 copies in Scandinavian.

Mr. Burbank moved to amend by adding 400 copies in the Bohemian language.

The amendment was adopted.

On the original motion Mr. Burbank called the yeas and noes, which were ordered and the motion was adopted by the following vote:

Ayes—Brown, Cross, Fockler, Gamble, Gray, Helvig, Hoyer, Hoyt, Johnson, Langness, Mauzsch, Peterson, Shely, Simonson, Stephens, Stewart, Trygstad, Webber, Weeks, Whitfield, Mr. Speaker—21.

Noes—Burbank, Flick, Gunderson, Huseboe, Walton—5.

Mr. Burbank changed his vote to the affirmative and gave notice that he would, to-morrow, move a reconsideration of the vote by which the motion was passed.

#### COUNCIL MESSAGE.

A message was received from the council announcing the passage of a joint resolution for the election of an assistant clerk, at a salary of four dollars per day, to be paid from territorial funds.

Also the passage of a joint resolution requesting the secretary to furnish each member with a copy of the revised code.

#### COMMITTEE ON RULES.

Mr. Gamble, of the committee on rules, presented the report of the committee on house rules and asked for further time in which to complete the report on joint rules.

On motion of Mr. Gray, the report of the committee was adopted.

#### REFERENCE MOTIONS.

On motion of Mr. Burbank, the communication of the governor, embodying the supplemental report of the territorial treasurer, was referred to a committee of one, consisting of Mr. Gamble.

On motion of Mr. Gray, the message of Governor Howard was referred to the committee of the whole.

#### ADJOURNMENT.

Mr. Flick moved to adjourn. Lost.

Mr. Stephens moved to adjourn to two o'clock p. m. Adopted.

#### AFTERNOON SESSION.

The house convened pursuant to adjournment.

#### JOINT RESOLUTIONS.

Mr. Gray said that there were in the clerk's possession two joint resolutions sent in from the council, and moved that they be acted upon, which motion was adopted.

One of the resolutions called upon the secretary of the territory to furnish each member of the legislature with a copy of the revised codes, and the other authorized the employment of an assistant clerk in each house, at a salary of four dollars per day, and made an appropriation for their payment from territorial funds. The house concurred in the two resolutions.

#### ADJOURNMENT.

Mr. Stephens moved that the house adjourn to half past ten o'clock a. m., January 16th. Adopted.