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YANKTON, DAKOTA TERRITORY, THURSDAY EVENING, JANUARY 16, 1879.

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DAKOTA LEGISLATURE.

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

THIRD DAY.

GENERAL COMMENTS.

Matters are settling down in both branches of the legislature and all hands will soon be deep into the business of the session. The organization has been perfected, rules adopted and committees appointed and nothing now remains in the way of preliminaries.

The talk among members upon the subject of state organization indicates a decided disposition to push the project to its earliest possible adoption. A proposition for a constitutional convention is even hinted at and something of this nature may take shape before the session is ended. The fact that it will require two or three years to perfect a state organization after the work is begun creates a disposition to institute proceedings with that end in view.

The bill of which Judge Kuykendall gave notice in the council yesterday proposes to amend the present law so as to provide for the election of one justice of the peace and one constable in each election district of the territory, and to amend the law which now recognizes these officials as county officers and permits their election without reference to their location, and the convenience of the people of the county at large.

There is among the members of the legislature a strong sentiment in favor of the amendment of the penal code so as to give justices of the peace final jurisdiction in cases of assault and battery and other minor offences in which they are now limited to a preliminary examination. It is urged that a great deal of expense could be saved by an amendment of this character.

It is probable that the subject of court expenses will be taken hold of vigorously and everything lopped off which in the estimation of economical members can be dispensed with. It has been discovered that court expenses are the cause of a large proportion of the indebtedness of counties and while every one agrees that courts are an exceedingly necessary institution, they would be better enjoyed in a cheaper form. The clerk's fee bill is deemed by some to be excessive.

The election of an assistant clerk, to be paid from the territorial treasury, was one of the occurrences in the house this morning which is a departure from past customs. The general government declines to allow to territorial legislatures any assistant clerks and as they cannot well be run without such officials an order was made on the territorial treasury for the money with which to meet the expense. W. D. Precival, of Union county, was the lucky man. He had previously been nominated by the republican caucus and went

in against an opposition of eight votes. Mr. Flick, of Pennington county, made a speech in behalf of the election of J. D. Vaughan, the Deadwood Times reporter, basing his claims upon the proposition that six thousand voters in the Black Hills would be recognized in the appointment and that their wishes were entitled to recognition. Mr. Copeland, of Vermillion, was also put forward by the Clay county delegation, but it is understood that he did not seek the position in opposition to the decision of the caucus.

One of the most important items of legislation to come before the session is the reapportionment for legislative purposes under the new United States law. The subject was opened in both houses today, each body introducing resolutions for a joint committee on the subject, the council resolution calling for a committee of six and the house resolution for a committee of nine. The council committee was appointed, under a resolution from that body. The house committee has not yet been announced, but it will probably be headed by Mr. Burbank, of Richland, and will have upon it a Yankton county man, a Bon Homme county man and Black Hills man.

A move is being made to provide a registry law for cities of a certain size. Yankton is understood as favoring the law, and Bi-marck does not seem to be at all averse to its enactment.

THE COUNCIL.

Thursday Jan. 16.—The council met pursuant to adjournment and was called to order by the president.

Prayer by the chaplain.

Roll called; all members present except Mr. MacNider.

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

RESOLUTIONS.

Mr. Miner offered a resolution inviting Judge Copeland of Clay county to a seat within the bar of the council, which was adopted.

Mr. Wynn offered the following resolution:

Be it resolved by the legislative assembly of Dakota territory, that the secretary of the territory is hereby instructed to furnish to the members of the legislative assembly one thousand copies of the governor's message in the English language and five hundred in the German language.

Which was laid over under the rules.

Mr. Roberts offered the following resolution which on motion was adopted:

Resolved, That a committee of three be appointed by the president to act with a similar committee on the part of the house, on legislative apportionment and to report by bill or otherwise to one of the houses.

EXCUSED.

On motion of Mr. Roberts, Mr. MacNider was excused for non attendance at yesterday and to-day's session on account of sickness.

NOTICE OF BILLS.

By Mr. Bohr.—In relation to penalty on taxes.

By Mr. Roberts.—To amend section 20,

chapter 40, in relation to holding school district meetings.

By Mr. Kuykendall.—To remove the cloud from certain titles; to provide liens for miners and laborers in certain cases; concerning the relations of landlord and tenant.

By Mr. Cuppet.—To amend section 1748 of the political code in relation to renewing chattel mortgages.

INTRODUCTION OF BILLS.

By Mr. Pettigrew.—To amend an act to incorporate the village of Sioux Falls.

By Mr. Edmunds.—To provide for the care of the insane.

By Mr. Kuykendall.—To increase the number of justices of the peace and constables and provide for the election of the same.

COMMITTEE OF THE WHOLE.

The council went into committee of the whole on the governor's message, Mr. Valentine in the chair. Without doing any business, the committee rose and asked to sit again at 2 o'clock this afternoon, for the consideration of the message.

MESSAGE FROM THE GOVERNOR.

The governor, by his private secretary, transmitted the following special message:

To the Council and House of Representatives:—The necessity for immediate action for suitable care of the insane of the territory makes it my duty to bring the subject to your attention, and to ask that your action be as prompt as the due consideration of its importance and the interests of the people will permit.

The cost of the necessary buildings, when complete and ready for use, including grates, cooking utensils, heating, furniture, beds and bedding, should be carefully considered. The cost of running it economically and efficiently should have due consideration. A plan of organization that shall secure harmonious and humane results, requires thoughtful care and patriotic exertion. In short, what is the best possible thing to be done? And what is the best way to do it.

The amount expended to put the building in its present state of forwardness is \$2,286.85. This includes all that was necessary to be done before cold weather, such as plastering, ceilings, &c. For ceiling, grating, construction of cells, &c., it will probably cost as much more—perhaps \$2,500. Then for furniture, including beds and bedding, stoves, cooking and laundry articles, say \$1,200.

After careful consultation with experts, and whose experience give value to their opinions, I think it will cost nearly \$6,000, including what has already been done, to set it running with capacity to accommodate forty patients.

The cost of the care and keeping, provided the number does not exceed thirty, will be about \$5,000 per year, or about \$166 each, exclusive of clothing. But suppose it costs \$200 each, or \$6,000 for thirty; still the cost of the building would be saved in one year. For I know of no respectable private institution where they can be as well kept and cared for at a cost of less than \$400 each.

The question of organization is a very important one. The statutes of the newer states embody the result substantially of their experience. The general features of the Iowa plan are as good as any I have seen. I make the following suggestions:

There should be four trustees or commissioners, two of whom should be chosen for two years, and two of them for four years. The four should constitute a board, and the governor should be *ex officio* a member. It would be well to locate one at least in each judicial district. Three should constitute a quorum. They should be men of high character—selected with great care, and should have ample powers, and be made responsible under the law for producing the best results. Judge Bennett is well acquainted with the Iowa plan, and has given much attention to the subject, and, at my request, he has drafted a bill for a plan of organization. This will be of service in considering the subject.

To meet our responsibilities for the next two fiscal years the expenditures will be large and the appropriation should be ample, but be well guarded so as to secure economy and fidelity.

Should it be deemed best it is probable the entire cost of construction and outfit could be divided into three annual payments of \$2,000 each, and paid out of what will have been saved.

I ask your immediate action upon this whole subject.

WM. A. HOWARD.

The governor also transmitted a letter from C. G. Wicker, president of the Dakota Southern railroad, inviting the members of the legislature and the officials of the territory to an excursion to Beloit and Canton at such time as the members may select.

On motion of Mr. Roberts, the letter was referred to a special committee of two, consisting of Messrs. Valentine and Cuppet.

READING OF BILLS.

The bill introduced by Mr. Edmunds in relation to the keeping and care of the insane was read a first and second times and referred to the committee on finance and expenditures.

The bill to amend the charter of the village of Sioux Falls was read a first time.

The bill to increase the number of justices of the peace and provide for the election of the same, was read a first time.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body of the joint resolution providing for assistant clerks for the two houses, and requesting the secretary of the territory to furnish each member of the legislative assembly with a copy of the revised codes of the territory.

JOINT RULES.

Mr. Pettigrew from the committee on joint rules reported in favor of the adoption of the joint rules of the 12th session, which report was adopted.

APPORTIONMENT.

The chair announced the following special committee on apportionment—Messrs Roberts, Pettigrew and Kuykendall.

RECESS.

On motion of Mr. Kuykendall the council took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The council met at 2 o'clock p. m. and immediately went into committee of the whole on the governor's message, Mr. Valentine in the chair.

The message was read, and its reference recommended as follows:

Introductory remarks, to the committee on territorial affairs.

Indians, to the committee on judiciary.

Prisons, to a special committee consisting of one councilman from each judicial district.

Finance, to the committee on finance and expenditures.

Education, to the committee on education.

Railroads, to the committee on railroads.

Immigration, to the committees on immigration.

Care of the poor, to the committee on counties.

Pardoning power and rewards for arrests, to the judiciary committee.

Apportionment to the special committee on apportionment.

Public library, to the committee on public printing.

Territorial expenses, to the committee on finances and expenditures.

Reports of territorial officers, to the committee on finances and expenditures.

Mr. Miner moved that the concluding remarks of the governor be referred to the committee on agriculture.

Mr. Roberts moved that they be referred to a committee of one, to consist of the gentleman from Clay county which amendment was lost, and the original motion prevailed.

The committee then rose and through its chairman reported its action to the council, and on motion of Mr. Miner the report was adopted.

MESSAGE FROM THE HOUSE.

A message was received informing the council that the house had passed a joint resolution providing that six copies of the Daily Press & Dakotian be furnished each member and officer of the legislative assembly during the session, and appropriating from the territorial treasury the sum of \$300 to pay for the same also, a joint resolution providing for the appointment of a committee of nine, consisting of five members of the house and four members of the council, to report a bill for the apportionment of the territory into legislative districts.

APPORTIONMENT.

Mr. Wynn moved that an additional councilman be added to the committee on apportionment, which motion prevailed and Mr. Edmunds was appointed as such additional committeeman.

The president announced as the special committee on prisons Messrs. Kuykendall, Roberts and Ellis.

JOINT RESOLUTIONS.

The joint resolution transmitted from the house providing for supplying of each member and officer with six copies of the Daily Press and Dakotian, was taken up and read.

Without taking action, on motion of Mr. Wynn, the council adjourned.

THE HOUSE.

The house was called to order at half-past ten o'clock a. m.

Mr. Speaker in the chair.

Prayer by the chaplain.

Roll call showed all members in their seats.

MESSAGE FROM THE GOVERNOR.

A message from the governor, special in its nature, and relating to the care of the insane, was received.

Also a copy of a letter from the officers of the Dakota Southern railroad asking the members of the legislature to participate in a railroad excursion to Beloit and return on any day they might name.

THE MINUTES

of yesterday's session were read by the clerk.

STANDING COMMITTEES.

The speaker announced the following standing committees:

Judiciary—Messrs. Gamble, Gray, Burbank, Whitfield, Stephens.

Education—Messrs. Huseboe, Whitfield, Fockler, Gray, Langness.

Ways and Means—Messrs. Weeks, Flick, Mausch, Shely, Helvig.

Counties and Townships—Messrs. Brown, Walton, Shely, Johnson, Helvig.

Public Printing—Messrs. Mausch, Burbank, Cross, Stewart, Trygstad.

Egrogessment and Enrollment—Messrs. Stephens, Walton, Webber, Stewart, Langness.

Territorial Affairs—Messrs. Stewart, Hoyt, Hoyer, Flick, Trygstad.

Agriculture—Messrs. Langness, Johnson, Brown, Fockler, Shely.

Insurance, Banks and Banking—Messrs. Stephens, Gray, Peterson, Hoyer, Simonson.

Mines and Mining—Messrs. Whitfield, Flick, Gunderson, Webber, Johnson.

Railroads—Messrs. Gray, Gamble, Burbank, Huseboe, Helvig.

Charitable and Penal Institutions—Messrs. Gamble, Whitfield, Burbank, Helvig, Langness.

Highways, roads and Bridges—Messrs. Flick, Whitfield, Shely, Gunderson, Weeks.

Immigration—Messrs. Stephens, Burbank, Brown, Cross, Fockler.

COMMITTEE REPORTS.

Mr. Gamble, from the select committee on house rules reported that a conference had been held with the council committee and that the joint rules, of the last session had been agreed upon.

MOTIONS AND RESOLUTIONS.

Mr. Gamble presented the following resolution:

Resolved, by the House of Representatives, the Council Concurring, That a joint special committee of nine members, five from the house and four from the council, be appointed to prepare and present a bill apportioning the representation in the two houses of the legislative assembly, with leave to report at any time.

Resolved, That the chief clerk of the house of representatives communicate this resolution and the action of the house thereon to the council and that we request its concurrence therein.

Mr. Gamble moved the adoption of the resolution and that the gentleman from Richland be made the chairman of the committee. The resolution and motion were adopted.

Mr. Stephens moved that the secretary of the territory be requested to furnish to each member and officer of the legislature six copies each day of the Daily Press and Dakotian and that \$300 be appropriated from territorial funds to pay for them.

The ayes and noes were called and the motion prevailed by the following vote:

Ayes—Messrs. Brown, Burbank, Flick, Gamble, Gray, Huseboe, Langness, Mausch, Simonson, Stephens, Trygstad, Walton, Webber, Whitfield, Mr. Speaker—15.

Noes—Messrs. Cross, Fockler, Gunderson, Helvig, Hoyer, Hoyt, Johnson, Peterson, Stewart, Weeks—10.

Absent and not voting—Mr. Shely—1.

Mr. Burbank moved that the vote by which the printing of the governor's message was ordered in German, Scandinavian and Bohemian be reconsidered. The motion was adopted.

Mr. Langness moved that the whole subject be indefinitely postponed. Adopted.

ASSISTANT CLERK.

Mr. Gamble moved that the house proceed to the election of an assistant clerk. Adopted.

Mr. Stephens nominated W. D. Percival, of Union.

Mr. Whitfield nominated J. D. Vaughan, of the Black Hills.

Mr. Weeks nominated H. A. Copeland of Clay.

The vote resulted as follows: Percival, 17; Vaughan, 3; Copeland, 5.

Mr. Percival was declared elected.

NOTICE OF BILLS.

Mr. Brown gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill combining Hutchinson and Armstrong counties; combining Hanson and Davison counties; combining Bramble and Miner counties; changing the boundaries of Wood, Kingsbury, Burchard, Spink, Thompson, Mills and Bendle counties.

COMMITTEE OF THE WHOLE.

On motion of Mr. Burbank, the house went into committee of the whole on the governor's message, Mr. Gray in the chair.

On motion of Mr. Stephens, the committee rose, without transacting any business, reported progress and asked leave to sit again at ten o'clock a. m. to-morrow.

SPECIAL MESSAGE.

The special message of Gov. Howard relating to insane (printed in council proceedings) was read, and, on motion of Mr. Stephens, referred to a special committee consisting of Messrs. Stephens, Gray, Burbank, Flick, Gamble.

ADJOURNMENT, ETC.

Mr. Burbank moved to adjourn.

Mr. Flick moved that the invitation of the Dakota Southern officials be referred to a committee of three.

Mr. Burbank moved to amend by accepting the invitation.

Mr. Gamble moved to adjourn to two o'clock p. m. but withdrew it and moved to adjourn to the regular hour, ten a. m. Jan. 17th. Adopted.