

Daily Press and Dakotian

Volume 4.

YANKTON, DAKOTA TERRITORY, SATURDAY EVENING, JANUARY 18, 1879.

Number 226

DAKOTA LEGISLATURE.

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

FIFTH DAY.

GENERAL COMMENTS.

The bill of which Mr. Langness gave notice in the house yesterday will provide for the reference of license applications to the people. That is, should it become a law, each county will decide, by vote whether or not liquor is to be sold within the county. The bill will take from local officials all power to license the sale of liquor, unless such sale is ordered by a vote of the people. Mr. Langness is of the opinion that such a law should be enacted, and a great many people, particularly in the rural districts, coincide with his views.

The legislative visit to the insane hospital yesterday was highly satisfactory to most of the members. It gave them a thorough understanding of the work there instituted and convinced them that Gov. Howard has made the most he could out of his facilities.

A bill will be introduced some time during the session providing for the employment of short hand reporters in the district courts of the territory. This bill is a part of the contemplated effort to materially reduce court expenses and relieve the people of a portion of the taxation now placed upon them for the maintenance of judicial tribunals. One prolific source of heavy bills against counties is the slow progress of court proceedings under the present provisions. The testimony must all be transcribed and under the long hand system a vast amount of time is consumed, every minute of which is an expense to taxpayers. With a short hand reporter in court, the time for trials where voluminous testimony comes up will be reduced fully one half, the expenses of Yankton county courts, as an illustration, are about seventy-five dollars per day. If the time consumed on trials can be reduced one-half, the expense will be reduced one-half, and if a stenographer costs the county twelve dollars a day during days of actual work, there will be a clear saving of not less than twenty-five dollars a day by employing one. The states and territories are gradually adopting the short hand system as a measure of economy and in every instance results are entirely satisfactory. The courts of Dakota should have the privilege of this opportunity to economize in their expenses, and as the contemplated bill gives it to them it should pass without a dissenting voice.

Mr. Weeks, of Clay county, has the honor of introducing house bill number one. It was put in this morning and is amendatory to section fifty-four of chapter twenty-eight of the revenue law. It provides that unpaid taxes shall become delinquent and draw interest from the first of March, instead of after the first Monday in January, as under the present law.

Dr. Flick's forthcoming bill to amend the election law, of which notice was given in the house to-day, will provide only for increased voting hours on election days. It will specify that the polls be opened at six o'clock in the morning and closed at six at night, giving ample time for laboring men to vote without neglecting their work. Dr. Flick says such an amendment to the law is much needed in the Black Hills.

Mr. Gray's contemplated bill authorizing the establishment of an insane hospital, of which notice was given in the house this morning, is intended to conform to the provisions of Gov. Edmunds' council bill as it will be by the time it leaves the committee of the whole. Mr. Gray's idea in introducing it is to enable the house to give the measure consideration at the same time that it is being discussed in the council.

THE COUNCIL.

Saturday, Jan. 18.—The council met at 10 o'clock a. m. and was called to order by the president.

Prayer by the chaplain.

Roll called; members all present.

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

NOTICE OF BILLS.

By Mr. Kuykendall—For the protection of stock, and to regulate the branding and herding thereof;

To amend chapter 3, title 2, part 3, of the civil code of this territory, in relation to corporations.

By Mr. Valentine—To amend that part of the justices code relative to change of venue in preliminary examinations.

By Mr. Cuppitt—For the organization of civil townships, and providing for the government thereof.

INTRODUCTION OF BILLS.

By Mr. Kuykendall—A bill for an act to remove the cloud from certain titles.

By Mr. Pettigrew—A bill for an act to amend section 92 of the justices code; a bill for an act to repeal section 427 of the penal code; and a bill to amend section 1100 of the civil code.

REPORTS OF COMMITTEES.

Mr. Edmunds, from the committee on finance and expenditures, reported back council bill No. 3, relating to the care of the insane, with several amendments, and recommended that the bill and amendments be referred to a committee of the whole council.

On motion of Mr. Roberts the report of the committee recommending the reference of the bill to the committee of the whole was adopted, and Tuesday next at 11 o'clock, set for the consideration of the same.

FIRST READING OF BILLS.

Council bill No. 10, a bill for an act to remove the cloud from certain titles;

Council bill No. 11, a bill for an act to amend section 92 of the justices code;

Council bill No. 12, a bill for an act to repeal section 427 of the penal code; and Council bill No. 13, a bill for an act to amend section 1100 of the civil code, were read the first time.

SECOND READING OF BILLS.

Council bill No. 4, a bill for an act relating to penalties on taxes;

Council bill No. 5, a bill for an act to amend an act relating to funding the indebtedness of Minnehaha and Lincoln counties;

Council bill No. 6, a bill for an act in relation to renewing chattel mortgages;

Council bill No. 7, a bill for an act regarding the relations of landlord and tenant;

Council bill No. 8, a bill for an act to create a lien for miners and laborers in certain cases.

Were read a second time.

Council bills Nos. 4 and 8 were ordered engrossed.

THIRD READING OF BILLS.

Council bill No. 1, a bill for an act to amend the charter of Sioux Falls, was read a third time, and passed.

Council bill No. 2, a bill for an act to increase the number of justices of the peace and constables and provide for the election of the same, came up for its third reading and on motion of Mr. Keykendall was referred to the committee on judiciary.

MESSAGE FROM THE HOUSE.

A message from the house informed the council that the house had appointed Mr. Barbank chairman of the joint committee on apportionment; and also that the house had passed council bill No. 9, a bill for an act to provide for the election of assistant clerks.

ELECTION OF ASSISTANT CLERK.

On motion of Mr. Cuppitt the council proceeded to the election of an assistant clerk of the council.

Mr. Roberts nominated E. H. Foster, of Sitsman county, for that office, and the roll being called Mr. Foster received twelve votes and was declared elected.

Mr. minor was excused from voting, on the ground that he was not within the bar of the council when the question was put.

TERRITORIAL TREASURER.

Mr. Pettigrew arose to a question of privilege, and defended the territorial treasurer against the implication contained in the governor's message, that the treasurer had not properly accounted for the territorial funds which have come into his hands. Mr. Pettigrew claimed that the governor in his message had made a mistake in not crediting the treasurer with the warrants redeemed of the issue of 1876; that if the proper credit for that year had been given there would have been no discrepancy shown, and no necessity for the implied strictures contained in the governor's message. The whole trouble, he said, arose out of a mistake made by the governor, which any person could see who read the message, and no fault whatever attached to the treasurer. He, Mr. Pettigrew, had for three days refrained from alluding to this subject, in the hope that the governor when his mistake was discovered would hasten to rectify the same and exonerate

the treasurer from the imputations cast upon his integrity through the inexcusable mistake of a high official. Mr. Pettigrew said this exoneration had not been made from the source from which it was due and he therefore felt it to be his duty to defend the treasurer, who is one of his constituents, against the unjust aspersions cast upon his honesty and integrity by the governor whose only excuse for his assault must be his own mistake. That attack upon the honesty and integrity of the treasurer has been given as wide a circulation as has been obtained by the governor's message, and coming as it does from the highest official in the territorial government, it has a tendency to injure the reputation of a just and upright man; and the only way in which the governor can requite the wrong he has done is to give to a retraction or explanation of his charges as wide and as an authoritative a circulation as was given to the charge. These were Mr. Pettigrew's ideas on the subject.

Gov. Edmunds, in reply to Mr. Pettigrew said it was not the design of Gov. Howard to impugn the honesty of Mr. Sherman, and thought the message would not bear that construction. The governor in preparing his message, drew his deductions from the data at hand, and if any error had occurred it was the fault of the data and not of the governor. The law requires that the territorial treasurer shall on or before the 15th day of December proceeding each regular session of the legislative assembly make a report containing a full and true exhibit of the state of the public accounts and funds, the amount by him received, the amount paid out during the preceding fiscal year ending on the 30th of November, and the balance remaining in the treasury, &c. The treasurer had not complied with this provision of the law, and if any injustice has been done him it is his fault—not that of the governor. It was not the desire or intention of the governor to assail the integrity of Mr. Sherman; he merely in the discharge of his duty, gave to the public the facts in his possession. If the knowledge of the territorial finances in his possession were unsatisfactory, and left a suspicion resting upon the territorial treasurer, the responsibility must rest with the latter officer in not furnishing a report of the transactions of his office in accordance with the requirements of law.

Mr. Pettigrew replied that if the governor would correct his own mistake there would be nothing to complain of. He believed that candor and truth had not controlled in this matter, and that the statements made in the message were distorted to suit the factious wish of the governor.

Mr. Roberts said he had carefully examined the governor's message, and he failed to see that the treasurer had therein been

charged with being a defaulter, and it was in bad taste for the gentleman to assail the governor. The treasurer in defending himself through a member of the council did not come before the public with clear hands, inasmuch as he had not complied with an imperative provision of law in reference to a report of the doings of his office. It is an old maxim of law that "he who seeks equity must first do equity." Let the treasurer comply with the law, then if he is right he will be exonerated, and if the governor is wrong, if he has made a mistake, the fact will be made known.

Mr. Pettigrew rose to reply, but the president stated that the question of privilege had been exhausted, and no further discussion would be entertained.

Whereupon, on motion of Mr. Rohr, the council adjourned until 10 o'clock a. m. on Monday.

THE HOUSE

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

Mr. Speaker in the chair.

Roll call showed all members in their seats.

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

APPORTIONMENT.

The speaker announced a change in the chairmanship of the house portion of the joint committee on apportionment, which was the substitution of the name of Mr. Burbank for that of Mr. Gamble.

COMMITTEE REPORTS.

Mr. Stephens from the committee to which was referred that portion of the governor's message relative to the care of the insane, reported the same back without recommendation.

The report was accepted and the committee discharged from further consideration.

Mr. Gamble moved the reference of this subject to the committee on charitable and penal institutions. Adopted.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of a joint resolution providing for a committee on apportionment and the appointment of the committee.

Also of the passage of council bill number nine, providing for the appointment of an assistant clerk, and for his compensation.

MOTIONS AND RESOLUTIONS.

Mr. Gamble moved that Mr. Burbank be declared chairman of the joint committee on apportionment. Adopted.

Mr. Burbank introduced a resolution specifying as follows: That the assistant clerk act under the direction of the chief clerk; the messenger and water man under the sergeant-at-arms; the engraving and printing clerk under the chairman of the committee on enrolling and engrossing. Also that any violation of the order be immediately reported to the house. The resolution was adopted.

NOTICE OF BILLS.

By Mr. Gamble—For an act authorizing the employment of stenographers in district courts.

By Mr. Gray—For an act concerning corporations and persons engaged in the business of banking; for an act to prevent fraudulent banking; for an act establishing the Dakota hospital for the insane and to provide for the government of the same and the care of the insane.

By Mr. Burbank—For an act authorizing the directors of school district number one, Richland county, to issue bonds for the purpose of completing a school house.

By Mr. Flick—For an act to amend the general election laws; for an act to fix the maximum rates on toll roads; for an act to amend chapter thirty-eight of the code of civil procedure, relating to the herd law.

INTRODUCTION OF BILLS.

Mr. Weeks introduced house file number one, a bill for an act to amend section fifty-four of chapter twenty-eight of the code, under the head of revenue. The bill had its first reading.

PASSAGE OF BILLS.

Council bill number nine, providing for the employment of assistant clerks and for their compensation, came up for reading.

On motion of Mr. Burbank, the rules were suspended, the bill went through its several readings and was passed by a vote of 24 to 2, Messrs. Gunderson and Weeks voting in the negative.

ADJOURNMENT.

Mr. Whitfield moved to adjourn to 10 o'clock a. m., Monday, January 20th. Adopted.