

Daily Press and Dakotaian

Volume 4.

YANKTON, DAKOTA TERRITORY, TUESDAY EVENING, JANUARY 21, 1879.

Number 228

DAKOTA LEGISLATURE.

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

EIGHTH DAY.

GENERAL COMMENTS.

Councilman Wynn will soon introduce a bill to amend the charter of the city of Yankton. The amendments will provide that the officers now appointed by the mayor and council shall be elected by the people; for the election of a city assessor, and that at the next election two aldermen shall be elected in each ward, one of whom shall serve two years and the other one year, and that at all subsequent elections one alderman shall be elected in each ward to serve for two years. This plan will always leave in the council four members with a year's experience in the "run of ropes" to break in the new members, and will, we believe, be a decided improvement upon the present law which makes the election of all the aldermen occur every year. The bill will make other amendments, but these are the most important.

A bill was introduced in the council yesterday to amend section 3 of chapter 38 of the revised codes, relating to homesteads and the conveyance thereof. The section which the bill proposes to repeal provides that "no conveyance or incumbrance by the owner of such homestead shall be of validity unless the husband and wife, if the owner is married, and both husband and wife are residents of the territory, concur in and sign the same joint instrument."

Mr. Gray's bill, introduced yesterday, entitled an act concerning corporations and persons engaged in the business of banking, provides that such corporations or persons, which means everybody doing banking business in the territory, shall, in January and July of each year, publish a sworn statement of the condition of their banking institution; that they shall also file with the secretary of the territory, in January and July of each year, a sworn statement of condition, value of assets and liabilities, and where assets are situated. The bill further provides a penalty for false returns or reports.

THE COUNCIL.

Tuesday, Jan. 21.—The council met at 10 o'clock a. m. and was called to order by the president.

Prayer by the chaplain.

Roll called; all members present.

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

REPORTS OF COMMITTEES.

Mr. Roberts from the judiciary committee to whom was referred council bill No. 8, a bill for act to create a lien for miners and laborers in certain cases, reported the same back with amendments, and recommended its passage as amended, and on motion of Mr. MacNider the report of the committee was accepted.

The same committee reported back council bill No. 6, a bill for an act to amend section 1748 of the civil code in reference to renewing chattel mortgages, without recommendation.

Mr. Edmunds of the committee on finance and expenditures, reported back council bill No. 4, a bill for an act in relation to penalty on taxes, with a recommendation that the bill do not pass.

Mr. Wynn moved that the report of the committee be accepted.

Mr. Miner spoke in favor of the bill and hoped the report of the committee would not be adopted.

Mr. Rohr, who introduced the bill, spoke in favor of the bill. The bill makes taxes become delinquent on the first day of April instead of the 1st of December, and he believed the passage of the bill would result to the decided advantage of the taxpayers of the territory. In the fore part of the winter produce, stock and whatever the farmers have to sell, brings a less price than in the spring, and therefore the change sought would be the advantage of the farming population especially.

The motion to accept the report of the committee was adopted.

AMENDING THE RULES.

Mr. Rohr offered a resolution that rule 33 of the council be amended by striking out the word "second" and inserting the word "first" in lieu thereof, and on motion the rules were suspended and the resolution adopted. The rule as amended provides that bills after their first reading shall be printed unless otherwise ordered.

NOTICE OF BILLS.

By Mr. Roberts—A bill for an act defining the boundaries of judicial districts, and fix the time for holding courts therein.

By Mr. MacNider—A bill for an act to fund the outstanding indebtedness of the counties of Brookings, Moody, Burleigh and Grand Forks.

By Mr. Kuykendall—A bill for an act prescribing rules and regulations for the execution of the trust arising under the act of congress entitled an act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2d, 1867.

By Mr. Wynn—A bill for an act to amend the charter of the city of Yankton.

By Mr. Edmunds—A bill for an act to amend section 16, of chapter 28, of the political code.

INTRODUCTION OF BILLS.

On the call for the introduction of bills Mr. Miner raised the point of order that a member had the right to introduce a bill without giving previous notice or asking leave, and read from the rules to sustain his position. The president decided the point not well taken; that the rules required previous notice or unanimous consent for the introduction of a bill.

Mr. Miner appealed from the decision,

and the question being put the council sustained the decision of the chair.

By Mr. Kuykendall—A bill for an act to regulate the rate of interest in certain counties in this territory.

By Mr. Cuppett—A bill for an act to amend chapter 40 of the political code, approved February 17th, 1878, relating to public education.

By Mr. Day—A joint resolution requesting the secretary of the territory to communicate with the secretary of the treasury of the United States, at once, asking for his construction of the law regulating the pay of territorial legislators.

MESSAGE FROM THE HOUSE.

The council was informed that the house has passed a joint resolution accepting the invitation of Mr. Wicker of the Dakota Southern railroad, offering the members of the legislature an excursion over his road to Beloit, and appointed Messrs. Flick and Gray a committee on the part of the house to make arrangements for the excursion.

The message being taken up for consideration, Mr. Wynn moved that the matter lie on the table to be acted on at some future time, which motion prevailed.

By leave of the council, Mr. Valentine of the special committee to which the communication of Mr. Wicker was referred, reported in favor of accepting the invitation, which report was adopted.

FIRST READING OF BILLS.

Council bill No. 20—A bill for act to regulate the sale of interest in certain counties in this territory.

Council bill No. 21—A bill for an act to amend chapter 40 of the political code, approved February 17th, 1878, relating to public education.

The joint resolution offered by Mr. Day in regard to the pay of members of territorial legislatures was read first time and on motion the rules were suspended, the resolution read a second and third times and passed by a unanimous vote of the council.

SECOND READING OF BILLS.

Council bill No. 14—A bill for an act to amend section 20 of chapter 40 of the political code relating to school district meetings was read a second time and referred to the committee on education.

Council bill No. 15—A bill for an act to amend chapter 3 of title 2, part 3 of the civil code in relation to corporations. Referred to committee on judiciary.

Council bill No. 16—A bill for an act for the protection of stock and to regulate the branding and herding thereof, was read a second time and referred to the committee on agriculture.

Council bill No. 17—A bill for an act to repeal section 660 and article 3, section 666 of the civil code, was read a second time and referred to the committee on judiciary.

Council bill No. 18—A bill for an act to amend section 3, chapter 38 of the revised codes of 1877, was read a second time.

Council bill No. 19—A bill for an act to amend section 5 of the justices code in relation to a change of the place of trial. Referred to committee on judiciary.

THIRD READING OF BILLS.

Council bill No. 4—A bill for an act in relation to penalty on taxes, was read a third time, and on motion was referred to the committee on elections.

Council bill No. 5—A bill for an act in relation to funding the indebtedness of Minnehaha and Lincoln counties, was read a third time and passed.

The president appointed Messrs. Valentine, Ellis and Miner as the council members of the joint committee on enrolled bills.

SPECIAL ORDER.

Council bill No. 3, a bill for an act establishing the Dakota hospital for the insane, providing for the government of the same and for the care of the insane, having been made the special order for 11 o'clock a. m., to-day, the council went into committee of the whole, Mr. Cuppett in the chair, for the consideration thereof.

On motion of Mr. Edmunds the bill was read by sections for the action of the committee.

The first section having been read, Mr. Edmunds moved an amendment so as to make the section read that the authorities of the asylum claim the whole of the section upon which the asylum is now temporarily located, which amendment was recommended by the committee.

Section 2 being under consideration, Mr. Roberts moved an amendment that one of the members of the board located by the bill in Yankton county be assigned to Burleigh county, which motion was lost.

Mr. Valentine moved to strike out the words "from the county of Yankton" and insert "at large," but there being no second to this motion, Mr. Edmunds moved that the section as read by the clerk be recommended for adoption.

This section provides that the board of directors shall consist of four members, one from each judicial district and one from Yankton county and that the governor shall be ex-officio a member of the board.

Messrs. Roberts, Valentine and Pettigrew opposed this section on the ground that it practically gave to Yankton the control of the board, and the provision for the appointment of a member from the first and third districts might as well be left out of the bill. Mr. Pettigrew said he was opposed to making the governor a member of the board; not on the ground that he had any objection to the present incumbent of that office. His eight years experience in Dakota had taught him that the men sent to the territories for governors were no better than they ought to be, and he was opposed to passing a law creating an additional office for them to fill. Our present governor, said Mr. Pettigrew, I believe to be a good, honest and honorable man, but he may resign or die or be removed, and there is no telling but what he may be succeeded by a scoundrel.

Without reaching a vote upon the motion to adopt the section, the committee rose,

reported progress and asked leave to sit again.

On motion of Mr. Miner the council adjourned until ten o'clock to-morrow.

THE HOUSE.

The house convened pursuant to adjournment, at ten o'clock a. m.

Mr. Speaker in the chair.

Prayer by the chaplain, Rev. J. P. Coffman.

Roll call showed all the members in their seats.

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

MOTIONS AND RESOLUTIONS.

Mr. Burbank called up yesterday's resolution upon the invitation of the officers of the Dakota Southern railroad, relating to a legislative excursion, and moved its adoption. It was adopted.

Mr. Stephens, chairman of the standing committee on engrossment and enrollment, asked to be excused from service on that committee.

The speaker stated that unless there was objection, Mr. Stephens would be so excused.

Mr. Burbank objected, basing such objection upon the statement that the committee was an important one, and that Mr. Stephens was fully capable of filling the position of chairman.

On motion of Mr. Burbank, the sergeant-at-arms was instructed to provide a seat on the floor for Mr. Wicklin, the representative from Deuel, Codington, Grant and Hamlin counties.

Mr. Wicklin took his seat with a word or two of thanks for the privilege.

NOTICE OF BILLS.

By Mr. Gamble—A bill to amend sections eight, ninety-two and one hundred and one of the justice code.

By Mr. Gamble—To amend chapter ten of the political code, relating to terms of the supreme court.

By Mr. Gamble—To amend chapter thirty-nine of the political code, on compensation to public officers.

By Mr. Helvig—To provide for the election of inspectors of weights and measures.

INTRODUCTION OF BILLS.

By Mr. Langness—House file number four—A bill to provide for the submission to a vote of the people the question of granting licenses to sell liquor.

By Mr. Gamble—House file number five—A bill for an act to provide for the employment of short hand reporters in the district courts of the territory.

By Mr. Gray—House file number six—A bill for an act to prevent fraudulent banking.

By Mr. Flick—House file number seven—A bill for an act to amend section ten of chapter twenty-seven, on elections.

HOUSE BILLS—SECOND READING.

House file number two, a bill for an act concerning corporations and persons engaged in banking, by Mr. Gray, read a second time and referred to committee on banks and banking, on motion of Mr. Burbank.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bill number one, relating to the amendment of the act incorporating the village of Sioux Falls.

UNFINISHED BUSINESS.

Mr. Whitfield called up the request of Mr. Stephens, that he be relieved from service as chairman of the committee on engrossment and enrollment.

Mr. Stephens moved that he be excused from such service and that Mr. Walton be appointed in his stead.

Mr. Fockler moved that the question be divided.

Mr. Burbank moved that the whole subject be laid on the table. So ordered.

COMMITTEE OF THE WHOLE.

On motion of Mr. Burbank, the house went into a committee of the whole on the supplemental report of the treasurer of the territory and the accompanying message of the governor, Mr. Burbank in the chair.

The report of the special committee, consisting of Mr. Gamble, to which this subject was referred, was read. It contained no recommendation.

Mr. Gamble stated that he had found the report very full and complete—that it was a document valuable to the house in giving an understanding of the subject of territorial finances. The report by itself called for no action on the part of the committee of the whole, but in connection with the message of the governor it might require consideration. He moved that the whole subject contained within the first and second reports, and the governor's remarks thereon, be referred to a committee of five. The motion was adopted.

THE COMMITTEE ROSE

and reported its action.

Mr. Burbank, chairman of the committee of the whole, stated that this was a subject which reflected upon the integrity of a citizen of the territory and that it was entitled to immediate action, whether the party charged was innocent or guilty.

Mr. Gamble moved that the report of the committee of the whole be adopted, with the amendment that immediate action be taken thereon. The motion was adopted and the following committee appointed by the speaker to consider the subject: Messrs. Burbank, Flick, Gamble, Stephens, Fockler.

ADJOURNMENT.

On motion of Mr. Gray, the house, at eleven o'clock a. m., adjourned to 10 o'clock a. m. January 22d.

CALENDAR OF BILLS.

IN COUNCIL.

ON SECOND READING.

Council bill No. 20, by Mr. Kuykendall—A bill for an act to regulate the rate of interest in certain counties in this territory.

Council bill No. 21, by Mr. Cuppett—A bill for an act to amend chapter 40 of

the political code, approved February 17th, 1878, relating to public education.

ON THIRD READING.

C. B. No. 2, by Mr. Kuykendall—A bill for an act increasing the number of justices of the peace and constables, and providing for the election thereof.

C. B. No. 14, by Mr. Roberts—A bill for an act to amend section 20 of chapter 40 of the political code, relating to school district meetings.

C. B. No. 15, by Mr. Kuykendall—A bill for an act to amend chapter 3 of title 2, part 3 of the civil code of this territory, in relation to corporations.

C. B. No. 16, by Mr. Kuykendall—A bill for an act for the protection of stock, and to regulate the branding and herding thereof.

C. B. No. 17, by Mr. Pettigrew—A bill for an act to repeal section 660 and article 3, section 666 of the civil code.

C. B. No. 18, by Mr. Pettigrew—A bill for an act to amend section 3, chapter 38, of the revised codes of 1877.

C. B. No. 19, by Mr. Valentine—A bill for an act to amend section 5, of the justices code in relation to a change of the place of trial.

IN HANDS OF COMMITTEES.

C. B. No. 3, by Mr. Edmunds—A bill for an act establishing the Dakota hospital for the insane, providing for the government of the same and for the care of the insane—committee of the whole.

C. B. No. 4, by Mr. Rohr—A bill for an act in relation to penalty on taxes—elections.

C. B. No. 6, by Mr. Cuppett—A bill for an act to amend section 1748 of the civil code in reference to renewing chattel mortgages—judiciary.

C. B. No. 7, by Mr. Kuykendall—A bill for an act concerning the relations of landlord and tenant—judiciary.

C. B. No. 8, by Mr. Kuykendall—A bill for an act to create a lien for miners and laborers in certain cases—judiciary.

C. B. No. 10, by Mr. Kuykendall—A bill for an act to remove the cloud from certain titles—judiciary.

C. B. No. 11, by Mr. Pettigrew—A bill for an act to amend section 92 of the justice code—judiciary.

C. B. No. 12, by Mr. Pettigrew—A bill for an act to amend section 1100 of the civil code—judiciary.

C. B. No. 13, by Mr. Pettigrew—A bill for an act to amend the penal code—judiciary.

IN HOUSE.

ON SECOND READING.

House file No. 3—By Mr. Gray—For an act to provide for the organization of railroad companies and to regulate the taxation of their property.

House file No. 4—By Mr. Langness—For an act to provide for the submission to vote in the several counties of the question of granting licenses to sell intoxicating liquors therein, under chapter thirty-five of the political code.

House file No. 5—By Mr. Gamble—For an act authorizing the employment of short hand reporters in the district court of Dakota territory.

House file No. 6—By Mr. Gray—For an act to prevent fraudulent banking.

House file No. 7—By Mr. Flick—For an act to amend section ten of chapter twenty-seven.

IN HANDS OF COMMITTEES.

House file No. 1—By Mr. Weeks—For an act amending the law relating to the time when taxes become delinquent. Committee on ways and means.

House file No. 2—By Mr. Gray—for an act concerning corporations and person engaged in the business of banking. Committee on insurance, banks and banking.