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DAKOTA LEGISLATURE.

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

NINTH DAY.

GENERAL COMMENTS.

Judge Kuykendall's bill to increase the number of justices of the peace and constables and provide for the election of the same, was passed by the council this morning. Before being passed it was amended so as to apply only to the counties of Bon Homme and Grand Forks and the counties west of the Missouri river.

The chaplain of the council was a few minutes late this morning, and no member of the council volunteering to discharge his duty, the business of the day was entered upon without the usual invocation for divine aid. Considering this omission the members departed themselves with remarkable circumspection.

Mr. Gray's bill for the prevention of fraudulent banking is designed to protect the public against irresponsible persons engaging in the business of banking. The main feature of the bill is the provision making it a misdemeanor, punishable by heavy fine and imprisonment, for officers of a banking institution to receive money in deposit of such banking institution shall have become insolvent.

THE COUNCIL.

Wednesday, Jan. 22.—The council met at 10 o'clock a. m. and was called to order by the president.

Roll called; members all present.

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

REPORTS OF COMMITTEES.

Mr. Roberts, from the judiciary committee, reported back council bills 10, 11, 12 and 13, and recommended their passage, which was accepted.

Mr. MacNider, from the committee on enrollment, reported that council bills 2 and 8 were correctly enrolled.

Mr. Rohr, from the committee on elections, to which had been referred council bill No. 4, in relation to penalty on taxes, reported the same back with amendments, making the act apply only to the counties of Clay and Union, and with these amendments recommend its passage.

Upon a motion to adopt the amendments proposed to the committee, a discussion followed.

Mr. Roberts said that the fundamental principle of taxation was that it should be uniform; and that wherever any inequality is shown it vitates the entire levy. This law gives special privileges to the counties of Clay and Union, and if passed, the general law applying to the balance of the territory could not be enforced.

Messrs. Cuppett and Edmunds took the same view, and were of the opinion the bill proposed legislation which would be construed as making taxation illegal.

Messrs. Miner and Pettigrew favored the bill.

Upon a vote being taken the report of the committee was not adopted.

NOTICE OF BILLS.

By Mr. Miner—For an act defining the boundaries of the county seat of Clay county.

By Mr. Day—For an act to amend section 510, article 11, of the civil code, relating to insurance; also, for a bill providing for the publication of certain local laws in the German language.

INTRODUCTION OF BILLS.

By Mr. Roberts—A bill for an act to establish the boundaries of the judicial districts of the territory and fixing the terms of courts therein.

By Mr. Day—A bill for an act to amend sections 324 and 325 of article 13 of the code of civil procedure.

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

THE EXCURSION.

On motion of Mr. Kuykendall the council concurred in the resolution of the house accepting the invitation of Mr. Wicker to take an excursion to Beloit and Canton.

FIRST READING OF BILLS.

Council bill No. 22—A bill for an act to establish the boundaries of the judicial districts of the territory and fixing the terms of courts therein.

Council bill No. 23—A bill for an act to amend sections 324 and 325 of article 13 of the code of civil procedure.

Council bill No. 24—A bill for an act to fund the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks.

SECOND READING OF BILLS.

Council bill No. 20—A bill for an act to regulate the rate of interest in certain counties in this territory, was read a second time and referred to the committee on judiciary.

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, was read a second time and referred to the committee on education.

THIRD READING OF BILLS.

Council bill No. 10—A bill for an act to remove the cloud from certain titles, was read a third time and passed.

Council bill No. 11—A bill for an act to amend section 92 of the justice code, was read a third time and passed.

Council bill No. 12—A bill for an act to amend section 1100 of the civil code, was read a third time and passed.

Council bill No. 13—A bill for an act to amend the penal code, was read a third time and passed by a vote of 7 to 6.

Council bill No. 18—A bill for an act to amend section 3, chapter 38, of the revised

codes of 1877, was read a third time and on motion recommitted to the committee on judiciary.

Council bill No. 6—A bill for an act to amend section 1748 of the civil code in reference to renewing chattle mortgages, was read a third time and passed.

Council bill No. 2—A bill for an act increasing the number of justices of the peace and constables, and providing for the election of the same, was read a third time and passed.

Council bill No. 8—A bill for an act to create a lien for miners and laborers in certain cases, was taken up and referred back to be properly engrossed.

Council bill No. 4—A bill for an act in relation to penalty on taxes, coming up for its third reading was, on motion of Mr. Miner, laid upon the table.

INVITATION TO DINE.

The president informed the council that he was requested to extend to the members a cordial invitation to dine with Governor Howard at five o'clock this evening.

ADJOURNMENT.

Mr. Edmunds moved that when the council adjourn it will adjourn until two o'clock p. m. for the purpose of going into committee of the whole on council bill No. 3, in relation to the insane, which motion prevailed.

On motion of Mr. Cuppett, the council then took a recess until two o'clock p. m.

THE HOUSE.

The house met, 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 members in their seats excepting Mr. Flick.

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

COMMITTEE REPORTS.

Mr. Burbank, from the special committee appointed to examine into the report of the territorial treasurer, reported that the committee had not yet completed its work. He moved, also, that the report of the territorial auditor be referred to the same committee. It was so ordered.

NOTICE OF BILLS, &c.

By Mr. Gray—For an act to amend section 333 of chapter 13 of the code of civil procedure.

By Mr. Gamble—For an act to amend sections 28 and 36 of the code of criminal procedure.

By Mr. Gamble—For an act to amend section 1743 of the code of civil procedure.

By Mr. Gamble—A memorial to congress for the creation of a new land district, and the location of a land office therein, in Dakota territory.

By Mr. Fockler—For an act to amend certain sections, and also to add one or more sections, to chapter sixty of the penal code, relating to prairie fires.

By Mr. Burbank—A memorial to congress asking a change of the pre-emption law, by which clerks of courts shall have the right to take final proofs; also for the amendment of the homestead law so that affidavits taken before clerks of district courts shall be as effective as those taken of registers or receivers of land offices.

INTRODUCTION OF BILLS.

House file No. 8—By Mr. Gamble—to amend section 330 of the code of civil procedure.

By Mr. Gamble—House file No. 9—to amend sections 8, 92 and 101 of the justice code.

House file No. 10—By Mr. Gamble—to amend chapter 10 of the political code.

COUNCIL BILLS.

Council bill No. 1—relating to an amendment to the Sioux Falls charter, had its first reading.

SECOND READING OF BILLS.

House file No. 7—Read, and on motion of Mr. Whitfield, referred to committee on judiciary.

House file No. 6—Read, and on motion of Mr. Fockler, referred to the committee on banking.

House file No. 5—Read, and on motion of Mr. Whitfield, referred to the committee on judiciary.

House file No. 3—Reading in full dispensed with, and on motion of Mr. Gray referred to the committee on railroads.

COUNCIL MESSAGE.

A message was received from the council announcing the appointment of Messrs. Valentine, Ellis and Miner as members on the part of the council of the joint committee on enrolled bills; also that the council had passed council bill No. 5, for funding the indebtedness of Minnehaha and Lincoln counties; also that the council had passed joint resolution No. 1, requesting the secretary of the territory to procure the construction of the secretary of the treasury of the law regulating the pay of territorial legislators.

GENERAL BUSINESS.

On motion of Mr. Gamble, the rules were suspended and joint resolution No. 1, from the council, taken up.

On motion of Mr. Burbank, under a suspension of the rules, the resolution had its several readings, and was passed.

COMMITTEE REPORTS.

Mr. Stephens moved that the house return to the order of reports of standing committees. Adopted.

Mr. Stephens, from the committee on banks and banking, reported back house file number two with sundry amendments and recommended the adoption of the report.

On motion of Mr. Trygstad, the report was adopted.

On motion of Mr. Stephens, house file number two was referred to the committee on enrollment.

GENERAL BUSINESS.

Mr. Gray moved that Mr. Stephens be excused from acting as chairman of the com-

mittee on enrollment and engrossment. Adopted.

Mr. Gamble moved that Mr. Gray be appointed to the vacancy on the committee of enrollment and engrossment, caused by the withdrawal of Mr. Stephens.

Mr. Gray, having understood that Mr. Gamble's reference to this matter was in the nature of a suggestion, and not of a motion, raised a point of order that a suggestion was not a motion.

The speaker overruled the point of order.

Mr. Stephens moved as an amendment that the name of Mr. Walton be substituted for the name of Mr. Gray.

Mr. Gamble insisted that, as Mr. Gray was a gentleman peculiarly adapted to the performance of the duties of chairman of the committee on enrollment and engrossment, the amendment should not prevail.

Mr. Gray considered the whole scheme for his appointment a conspiracy—besides his eyesight was not good. He had had much trouble with his eyes and was thereby unfitted for the task of reading lengthy bills and could not do justice to the work.

Further debate ensued, but the result of a vote was the rejection of Mr. Stephens' amendment and an adoption making Mr. Gray chairman of the committee.

Mr. Gray gave notice that he would take early occasion to move a reconsideration of the vote by which the motion was adopted.

Mr. Stephens called up the report of the custodian of the territorial library and asked that it be read.

It was accordingly read at length.

On motion of Mr. Stephens, the report was referred to the judiciary committee.

ADJOURNMENT.

On motion of Mr. Gamble, the house, at 11:15 a. m. adjourned to ten o'clock a. m. Jan. 23d.

CALENDAR OF BILLS.

IN COUNCIL.

ON SECOND READING.

Council bill No. 23, by Mr. Roberts—A bill for an act to establish the boundaries of the judicial districts of the territory, and for fixing the terms of court therein.

Council bill No. 24, by Mr. Day—A bill for an act to amend section 324 and 325, of article 13 of the code of civil procedure.

Council bill No. 25, by Mr. MacNider—A bill for an act to fund the outstanding indebtedness of the counties of Moody, Brooks, Burleigh and Grand Forks.

ON THIRD READING.

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. 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. 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—engrossment.

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

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

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—education.

IN HOUSE.

ON SECOND READING.

Council bill No. 1, by Mr. Pettigrew—A bill for an act to amend an act entitled an act to incorporate the village of Sioux Falls.

House file No. 8, by Mr. Gamble—For an act to amend section 336 of the code of civil procedure.

House file No. 9, by Mr. Gamble—For an act to amend sections 8, 92 and 101 of the justice code.

House file No. 4—By Mr. Lungness—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.

IN HANDS OF COMMITTEES.

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.—Railroads.

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

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

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

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.—Enrollment.