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DAKOTA LEGISLATURE.

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

TENTH DAY.

GENERAL COMMENTS.

A glance at the council proceedings below will enable the reader to fix attention upon the report of the council committee appointed to examine the books of the territorial treasurer. The report is very explicit and states in a few words that Mr. Sherman is not responsible for the error noted in the message of Governor Howard.

The bill introduced in the council yesterday by Mr. Day modifies the exemption law. It reduces the personal property exemption from \$1,500 to \$500; and in lieu of this exempts miscellaneous books and musical instruments to the value of \$300 instead of \$500; household and kitchen furniture, &c., to the value of \$300 instead of \$500; five swine instead of ten; twenty-five sheep instead of one hundred, and farming utensils of the value of \$200 instead of \$300. The bill provides that it shall not be construed as affecting any debts contracted prior to its passage.

The committee appointed on the part of the house to examine into the books and accounts of the territorial treasurer, and to whom was afterwards referred the report of the territorial auditor, is working in secret session during those hours of the day and evening when the house is not in session. It may take two or three days yet to reach a report. The committee intends to render its work complete, so that there may remain no further question regarding the financial affairs of the territory. There has been so much gossip over this matter that it is nothing short of an act of justice to all concerned to enter into the minutest details of the work.

Mr. Wicklin, from the unrepresented district of four counties along the eastern border of the territory, in the Lake Kampeska region, has been supplied with a chair and a desk alongside Mr. Stewart, of Turner county, who had heretofore been all by himself and would have suffered a lonely time throughout the session, but for the opportune arrival of Mr. Wicklin. The secretary of the territory has fitted up Mr. Wicklin's desk with an assortment of stationery and he is as well fixed as though he was a paid and voting member of the body. Mr. Wicklin made his maiden speech in the house this morning, upon the passage of the memorial to congress asking for the establishment of an additional land district. The proposition is to create this district from the southeastern portion of the territory and to include within it the counties of Deuel, Grant, Codington and Hamlin. Under the present arrangement of district boundaries Mr. Wicklin's constituents are exposed to many difficulties and hardships in making and perfecting claims.

THE COUNCIL.

Thursday, Jan. 23—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. MacNider, from committee on engrossment, reported council bill No. 8 properly engrossed.

Mr. Wynn, from the special committee to examine the books and accounts of the territorial treasurer made the following report:

MR. PRESIDENT—Your special committee to whom was referred the investigation of the territorial treasurer's books, respectfully report that they have made a thorough examination of the treasurer's books and find them correct; and we also report that we have examined the vouchers in the auditor's office and find that they agree with the books of the treasurer; we also find that the treasurer's books and accounts have been kept systematically; we also examined a portion of the registered warrants and found the interest computed correctly up to date of the payment, and we do further find that the treasurer is not responsible for the error shown in the governor's message as to the outstanding indebtedness of the territory ending the 30th of November, 1878.

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

NOTICE OF BILLS.

By Mr. Cappett—A bill for an act to amend chapter 28 of the political code relating to revenue.

INTRODUCTION OF BILLS.

By Mr. Miner—A bill for an act enlarging the boundaries of the county seat of Clay county.

By Mr. Day—A bill for an act to amend section 510 of article 11 of the civil code.

By Mr. Edmunds—A bill for an act to amend section 14 of chapter 28 of the political code.

By Mr. Wynn—A bill for an act to amend an act entitled an act to incorporate the city of Yankton, approved January 8th, 1873, as amended.

By Mr. Roberts—A bill for an act authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

By Mr. Roberts—A bill for an act authorizing school district No. 2, in the county of Grand Forks to issue bonds.

MESSAGE FROM THE HOUSE.

A message from the house stated that the house had passed the joint resolution which originated in the council in regard to the pay of territorial legislators.

FIRST READING OF BILLS.

Council bill No. 25—A bill for an act enlarging the boundaries of the county seat of Clay county.

Council bill No. 26—A bill for an act to amend section 510 of article 11 of the civil code.

Council bill No. 27—A bill for an act to amend section 14 of chapter 28 of the political code.

Council bill No. 27—A bill for an act to amend an act entitled an act to incorporate the city of Yankton, approved January 8th, 1873, as amended.

Council bill No. 29—A bill for an act authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

Council bill No. 30—A bill for an act authorizing school district No. 2 in the county of Grand Forks to issue bonds.

SECOND READING OF BILLS.

Council bill No. 22—A bill for an act to establish the boundaries of the judicial districts of the territory and for fixing the term of court therein, was read a second time and referred to the committee on judiciary.

Council bill No. 23—A bill for an act to amend sections 324 and 325 of article 13 of the code of civil procedure, was read a second time and referred to the judiciary committee.

Council bill No. 24—A bill for an act to fund the outstanding indebtedness of the counties of Moody, Brookings, Farleigh and Grand Forks, was read a second time and referred to the committee on finance and expenditures.

THIRD READING OF BILLS.

Council bill No. 8—A bill for an act to create a lien for miners and laborers in certain cases, was read a third time and passed.

ADJOURNMENT.

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

THE HOUSE.

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

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

Roll call showed all members in their seats.

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

COMMITTEE REPORTS.

Mr. Gamble, from the judiciary committee, to whom was referred house file number five, for the employment of short hand reporters in courts, reported back the bill without amendment and recommended its passage.

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

Mr. Gray, from the committee on engrossment and enrollment, reported back house file number two as correctly enrolled, and the report was adopted.

From the same committee, house file number five was reported back as correctly enrolled, and the report was adopted.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills number two, six, ten, eleven, twelve and thirteen; also that the council had concurred in the house action on the invitation from the officers of the Dakota Southern railroad company.

NOTICE OF BILLS.

By Mr. Stewart—An act to amend section fifteen of chapter thirty-nine, relating to compensation of public officers.

By Mr. Stewart—An act to amend section one of chapter fourteen and section fifteen of chapter twenty-one of the political code.

By Mr. Stewart—An act to amend section two of chapter five of the revised codes, relating to the qualification of officers.

By Mr. Flick—For an act relating to fences and enclosures.

By Mr. Huseboe—For an act to amend chapter forty of the political code.

INTRODUCTION OF BILLS.

By Mr. Gamble—A memorial to congress asking for the creation of an additional land district in Dakota and the location of a land office therein.

PASSAGE OF BILLS.

On motion of Mr. Burbank, under a suspension of the rules, the memorial relating to an additional land district had its several readings, was put upon its final passage, and on a call of the ayes and noes, passed the house.

Mr. Stephens called up house file number two, and moved that, under a suspension of the rules, it be put upon its final passage. The motion prevailed, and, upon a call of the ayes and noes, the bill was passed by the house. The bill relates to corporations and persons engaged in banking.

Mr. Trygstad called up house file number five and moved that, under a suspension of rules, it be put upon its final passage. The motion prevailed, and, on a call of ayes and noes, the bill was unanimously passed by the house.

COUNCIL MESSAGES.

The council message giving notice of the creation of an additional joint committee on enrollment and engrossment, was read from the clerk's desk, and the speaker appointed Messrs. Gray, Webber and Walton as the house members of such committee.

COUNCIL BILLS.

Council bills number two, five, six, ten, eleven and thirteen, had their first reading, and council bill number one its second reading.

HOUSE BILLS.

House file number four was read a second time and referred to a select committee of five, on motion of Mr. Langness.

House file number eight, was read a second time and referred to the committee on judiciary, on motion of Mr. Gamble.

House file number nine was read a second time and referred to the committee on judiciary, on motion of Mr. Stephens.

House file number ten was read a second time and referred to the committee on judiciary, on motion of Mr. Stephens.

GENERAL BUSINESS.

Mr. Gray asked and obtained general consent for the introduction of the following resolution:

Resolved by the house of representatives of the territory of Dakota. That we congratulate the state of Wisconsin upon the election of Matt H. Carpenter to the senate of the United States.

On motion of Mr. Burbank, the resolution was unanimously adopted.

RECESS.

On motion of Mr. Stephens, the house, at 11:30 a. m., adjourned until two o'clock p. m.

AFTER RECESS.

The speaker announced as special committee on house file number four, Messrs Langness, Whitfield, Stewart, Huseboe, Brown.

A COMMITTEE CHAIRMANSHIP.

Mr. Gray moved a reconsideration of the vote by which he was made chairman of the committee on enrollment and engrossment.

A running discussion ensued regarding Mr. Gray's right to move a reconsideration it being the general impression that he voted in the negative on the question, Mr. Gray excepting to this decision.

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

Mr. Gray gave notice of a joint resolution instructing the public printer to print five hundred copies of the rules and standing committees, that his constituents might understand that he was performing the laborious duties of chairman of the committee on enrollment and engrossment.

Mr. Burbank moved that Mr. Gray have unanimous consent to offer his resolution. So ordered.

Mr. Gray then withdrew his notice of a joint resolution.

COMMITTEE REPORTS.

On motion of Mr. Gamble, the house went back to the fifth order, reports of standing committees.

Mr. Gamble, from the judiciary committee, reported back house file number eight, without amendment, and recommended the passage of the bill.

The report was adopted, on motion of Mr. Gray.

COMMITTEE OF THE WHOLE.

On motion of Mr. Gray, the house went into committee of the whole, Mr. Gray in the chair, on house file number eight.

After considering the bill, the committee rose and reported a recommendation that the bill pass without amendment.

FINAL ACTION.

The report of the committee was adopted. Mr. Gamble moved that the rules be suspended and the bill read a third time and put upon its passage.

Under a call of the ayes and noes, the bill passed the house by unanimous vote.

COMMITTEE REPORT.

Mr. Stephens, from the committee on banks and banking, reported back house file number six and recommended its passage. Report accepted.

Mr. Gamble, from the judiciary committee, reported back house file number nine, with amendments and recommended its passage. Report adopted.

COMMITTEE OF THE WHOLE.

On motion of Mr. Stephens, the house went into committee of the whole on house file number six and nine, Mr. Gray in the chair.

After consideration of the bill the committee rose and reported back house file six with amendments and reported progress on house file number nine.

ACCEPTED.

Mr. Gray moved that the report of the committee be accepted. So ordered.

AN INVITATION.

The speaker announced that Governor Howard tendered an invitation to the members of the house to visit him at his residence at six o'clock Saturday evening.

On motion of Mr. Gamble, the invitation was accepted.

ADJOURNMENT.

On motion of Mr. Stephens, the house, at 3:15 o'clock, adjourned to ten o'clock a. m. January 24th.

CALENDAR OF BILLS.

IN COUNCIL.

ON SECOND READING.

Council bill No. 25, by Mr. Pettigrew—A bill for an act enlarging the boundaries of the county seat of Clay county.

Council bill No. 26, by Mr. Day—A bill for an act to amend section 510 of article 11 of the civil code.

Council bill No. 27, by Mr. Edmunds—A bill for an act to amend section 14 of chapter 28 of the political code.

Council bill No. 28, by Mr. Wynn—A bill for an act to amend an act entitled an act to incorporate the city of Yankton, approved January 8 h, 1873, as amended.

Council bill No. 29, by Mr. Roberts—A bill for an act authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

Council bill No. 3, by Mr. Roberts—A bill for an act authorizing school district No. 2, in the county of Grand Forks, to issue bonds.

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 justice code in relation to a change of the place of trial.

IN HANDS OF COMMITTEES.

C. B. No. 8, 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. 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.

Council bill No. 22, 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—judiciary.

Council bill No. 23, by Mr. Day—A bill for an act to amend section 324 and 325, of article 13 of the code of civil procedure—judiciary.

Council bill No. 21, by Mr. MacNider—A bill for an act to fund the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks—finance and expenditures.

IN HOUSE.

ON SECOND 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.

Council bill No. 5, by Mr. Pettigrew—A bill for an act to amend an act relating to funding the indebtedness of Minnehaha and Lincoln counties.

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. 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 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. 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.

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.—Counties and Townships.

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

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—Select committee, consisting of Messrs. Langness, Whitfield, Stewart, Huseboe and Brown.

House file No. 10, by Mr. Gamble—For an act to amend chapter ten of the political code—judiciary.