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DAKOTA LEGISLATURE.

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

ELEVENTH DAY.

THE COUNCIL.

Friday, Jan. 24.—The council met at 10 o'clock and was called to order by the president.

Prayer by the chaplain.

Roll call; members all present.

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

REPORTS OF COMMITTEES.

Mr. Roberts, from the judiciary committee, reported back and recommended the passage of

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

Council bill No. 17—A bill for an act to repeal section 660 and article 3, section 666 of the civil code;

Council bill No. 18—A bill for an act to amend section 3, chapter 38, of the revised code of 1877;

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;

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

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

Mr. Edmunds, from the committee, reported back council bill No. 24, a bill for an act to fund the outstanding indebtedness of Moody, Brookings, Burleigh and Grand Forks counties, and recommended its passage.

MOTIONS AND RESOLUTIONS.

Mr. Pettigrew offered the following resolution, and moved its adoption:

Resolved, That E. A. Sherman ought to be reappointed territorial treasurer of this territory as a just recognition of his integrity and ability as an officer during the past term.

Mr. Roberts hoped the resolution would not be pressed to a vote at this time, and asked as a personal favor that the mover would consent to its going over until to-morrow.

Mr. Edmunds said that he had no objection whatever to the passage of the resolution, if presented at the proper time. The matter in regard to the treasurer's books and accounts is now being investigated by a committee of the house. When that committee concludes its investigation and makes its report, and if that report coincides with that made by the committee of the council, then will be the proper time to present a resolution such as the one now under consideration, and then he will be prepared to vote thereon. He hoped the gentleman from Minnehaha would consent to allow the resolution to lie over for the present.

Mr. Pettigrew said that the books and accounts of the territorial treasurer had been submitted to a committee of the council, and that committee had made a report fully exonerating the treasurer from the implied charges against his integrity and endorsing his ability and efficiency as an officer. This report should be sufficient to enable the council to intelligently vote upon the resolution. Tardy justice to Mr. Sherman had been wrung from his assailants, and it is only a matter of further and fuller justice that this resolution should pass. But if the councilmen did not know their minds and wished to be instructed in their duty by the action of a committee of the lower house, he would not object to the resolution going over for that purpose.

Mr. Wynn thought the matter did not come up in order. When the governor presented to the council the name of a person for territorial treasurer, then would be the time for the council, by confirming or rejecting the appointee, to express its views upon this subject.

Mr. Miner favored the adoption of the resolution. He said it had been acknowledged by the members of the council by the unanimous adoption of the report of the committee to investigate the books of the treasurer, and by remarks made upon the floor, that Mr. Sherman was an able, honest and honorable man, and that this resolution should be adopted as a vindication of his official acts against the unfounded rumors affecting his integrity.

On motion of Mr. Roberts the resolution was laid over to come up in its regular order on Monday next.

NOTICE OF BILLS.

By Mr. Miner—A bill for an act to amend the charter of the city of Vermillion.

By Mr. Day—A bill for an act to repeal sections 35, 43 and 44 of article 4 of the penal code.

SECOND READING OF BILLS.

The following bills were read a second time and referred as therein indicated:

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

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

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—to the committee on counties.

Council bill No. 30, by Mr. Roberts—A bill for an act authorizing school districts No. 2, in the county of Grand Forks, to issue bonds—to the committee on education.

THIRD READING AND PASSAGE OF BILLS.

Council bill No. 15—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. Passed.

Council bill No. 17.—A bill for an act to repeal section 660 and article 3, section 666 of council code.

The bill repeals that provision of the code which requires a notary public in taking an acknowledgment of the transfer of real estate to inform the wife of the contents of the instrument out of the presence of her husband.

Mr. Miner opposed the passage of the bill under consideration, believing that the present law is a good one and necessary for the protection of the rights of married women.

Messrs. Edmunds and Ellis also opposed the bill in short speeches and Messrs. Pettigrew and Valentine, favored its passage.

On the roll being called seven committees voted for the bill and six against it. So the bill passed.

Council bill No. 19.—A bill for an act to regulate the rate of interest in certain counties in this territory. Passed.

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

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

Council bill No. 18.—A bill for an act to amend section 3, chapter 38, of the revised code of 1877. Lost.

Mr. Pettigrew gave notice that he would on to-morrow move a reconsideration of the vote by which the bill was lost.

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

MESSAGE FROM THE HOUSE.

A message informed the council that the house had appointed Messrs. Gray, Webber and Walton as the house members of the joint committee on enrollment; also that the house had passed house files No's. 2, 5, 8 and 11, and requested the concurrence of the council therein.

THE ENROLLMENT COMMITTEE.

Through its chairman, Mr. Valentine, reported that council bill No. 9, providing for the election of assistant clerks was correctly enrolled, and that the same had yesterday been presented to the governor for his approval.

FIRST READING OF HOUSE BILLS.

House file No. 2.—A bill for an act concerning corporations and persons engaged in the business of banking.

House file No. 5.—A bill for an act authorizing the employment of short hand reporters in the district courts of Dakota territory.

House file No. 8.—A bill for an act to amend section 336 of the code of civil procedure.

House file No. 11.—A memorial to the senate and house of representatives for the creation of a new land district, and the location of a land office therein in Dakota territory.

On motion of Mr. Edmunds, the rules were suspended and the memorial passed.

EXCUSED.

On motion of Mr. Kuykendall, Mr. Day was permitted to be absent from to-morrow's session of the council.

ANOTHER INVESTIGATION.

Mr. Pettigrew, by consent, moved that a committee of three be appointed to investigate the auditor's office, and all books and papers therein; also the expenditure of all moneys for printing during the last two years.

Which motion was adopted, and Messrs. Pettigrew, Valentine and Day appointed as such committee.

ADJOURNMENT.

On motion of Mr. Ellis, the council adjourned until 10 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 session was read and approved.

COMMITTEE REPORTS.

Mr. Langness, from the select committee to whom was referred house file number four, providing for the submission to a vote of the people the question of granting liquor licenses, reported back the same without amendment and recommended its passage.

Mr. Johnson moved that the report be adopted.

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bill number eight.

HOUSE FILE NINE.

Mr. Gamble called for the reading of the report of the committee on judiciary on house file number nine.

The report being read from the clerk's desk, Mr. Gamble moved its acceptance and adoption. So ordered.

NOTICE OF BILLS.

By Mr. Simonson—To amend section nine of chapter thirty-eight of the political code.

By Mr. Burbank—A memorial to congress praying for a division of the territory and protesting against the bill for the admission of the present territory as a state.

By Mr. Stewart—To amend chapter twenty-seven of the political code.

By Mr. Gray—To amend section 335 of chapter thirteen of the code of civil procedure.

By Mr. Gray—To amend part three of division four of the civil code.

By Mr. Gray—To amend chapter thirty of the code of civil procedure.

By Mr. Gray—To amend chapter forty-one of the political code.

INTRODUCTION OF BILLS.

By Mr. Flick—H. F. No. 12.—For an act relating to fences and enclosures.

By Mr. Stewart—H. F. No. 13.—For an

act to amend section fifteen of chapter thirty-nine of the code, relating to the compensation of public officers.

By Mr. Stewart—H. F. No. 14—For an act to amend section one of chapter fourteen and section fifteen of chapter twenty-one of the political code.

By Mr. Stewart—H. F. No. 15—For an act to amend section two of chapter five of the code, entitled qualification for office.

COUNCIL BILLS.

Council bill No. 8 had its first reading. The following council bills had their second reading and were referred as indicated:

C. B. No. 2—committee on judiciary, on motion of Mr. Walton.

C. B. No. 5—committee on counties and townships, on motion of Mr. Gunderson.

C. B. No. 6—committee on judiciary, on motion of Mr. Stephens.

C. B. No. 10—committee on judiciary, on motion of Mr. Whitfield.

C. B. No. 11—committee on judiciary, on motion of Mr. Walton.

C. B. No. 12—special committee of three, on motion of Mr. Gunderson.

C. B. No. 13—committee on judiciary, on motion of Mr. Stephens.

HOUSE BILLS.

House file number six, a bill for an act to prevent fraudulent banking, had its third reading, and being placed upon its passage, was passed by the unanimous vote of the house.

House file number four, a bill for an act to provide for the submission to a vote of the question of granting licenses to sell liquor, reported back from select committee, had its third reading.

Mr. Stephens moved that the bill lie on the table for one week. Lost.

Mr. Gray moved that the bill be referred to the committee of the whole.

The motion was lost by the following vote: Ayes—Messrs. Burbank, Flick, Fockler, Gamble, Gray, Gunderson, Hoyt, Maukch, Shely, Stevens, Trygstad, Walton—12.

Noes—Messrs. Brown, Cross, Helvig, Hoyer, Huseboe, Johnson, Langness, Peterson, Simonson, Stewart, Webber, Weeks, Whitfield, the Speaker—14.

Mr. Gray moved that the bill be made the special order for next Friday at eleven o'clock a. m.

It was the opinion of Messrs. Gray, Stephens and Gamble that the bill should not be rushed through without giving the house an opportunity to understand all its provisions and the effect which would result from its passage.

Mr. Gamble was not sure but that the measure would be an unconstitutional one. Several of the states had so decided. He wanted time to look up that point. Another objectionable feature of the bill was that the subject would be voted upon in the year 1880, the year of the general election, and he was opposed to mixing up temperance with politics. There was also another point to be considered—whether or not cities and villages were included within the provisions of the bill.

Mr. Brown moved as an amendment to the resolution of Mr. Gray that the measure be made the special order for next Tuesday, at eleven o'clock a. m.

The amendment was adopted and the motion of Mr. Gray, as amended was then adopted.

COMMITTEE OF THE WHOLE.

On motion of Mr. Gamble, the house went into committee of the whole on house file number nine, Mr. Burbank in the chair. After consideration of the measure, the committee rose, reported back the bill with amendments and the report was adopted.

SPECIAL ORDER.

Mr. Fockler moved that house file number nine be made the special order for next Wednesday at eleven o'clock a. m.

Mr. Gamble moved an amendment making it the special order for Saturday at eleven o'clock a. m.

The motion as amended was adopted.

EXCUSED FROM ATTENDANCE.

Mr. Stephens asked to be excused from attendance after to day's adjournment until Monday morning, and, on motion of Mr. Whitfield, he was excused.

RECESS.

On motion of Mr. Helvig, at 11:20 o'clock a. m. the house adjourned till two o'clock p. m.

AFTER RECESS.

House convened at two o'clock p. m., Mr. Speaker in the chair.

SPECIAL COMMITTEE.

The speaker announced as the select committee on council bill number twelve, Messrs. Gunderson, Walton and Peterson.

EXCUSED.

On motion of Mr. Gunderson, Mr. Weeks was excused from attendance until Tuesday morning.

INVESTIGATION OF THE TREASURER.

Mr. Burbank from the special committee appointed to examine the books and accounts of the territorial treasurer reported that the committee had been diligently at work upon its task, but had not quite finished. One member of the committee had been excused until Monday and it would therefore be impossible for the committee to make its report before Monday at which time they hoped to be able to report in the regular order of business.

ADJOURNMENT.

On motion of Mr. Gray, the house, at 2:05 p. m., adjourned to ten o'clock a. m., January 25th.

CALENDAR OF BILLS.

IN COUNCIL.

ON SECOND READING.

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 8th, 1878, as amended.

House file No. 2, by Mr. Gray—A bill for an act concerning corporations and persons engaged in the business of banking.

House file No. 5, by Mr. Gamble—A bill for an act authorizing the employment of

short hand reporters in the district court, of Dakota territory.

House file No. 8, by Mr. Gamble—A bill for an act to amend section 836 of the code of civil procedure.

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—special committee.

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

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—education.

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—agriculture.

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. 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. 25, by Mr. Pettigrew—A bill for an act enlarging the boundaries of the county seat of Clay county—counties.

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

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

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—counties.

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

IN HOUSE.

ON SECOND READING.

C. B. No. 8—By Mr. Kuykendall—An act to create a lien for miners and laborers in certain cases.

H. F. No. 12—By Mr. Flick—For an act relating to fences and enclosures.

H. F. No. 13—By Mr. Stewart—For an act to amend section 15, chapter 39, of the revised code, relating to the compensation of public officers.

H. F. No. 14—By Mr. Stewart—For an act to amend section 1 of chapter 14 and section 15 of chapter 21 of the political code.

H. F. No. 15—By Mr. Stewart—For an act to amend section 2 of chapter 5 of the revised code, relating to qualifications for office.

IN HANDS OF COMMITTEE.

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—judiciary.

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.—counties and townships.

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—special committee consisting of Messrs. Gunderson, Walton and Peterson.

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

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

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. 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.

SPECIAL ORDER.

House file No. 9, by Mr. Gamble—For an act to amend sections 8, 92 and 101 of the justice code—For Saturday January, 25th, at eleven o'clock a. m.

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—For Tuesday, January 28, at eleven o'clock a. m.