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Number 234

DAKOTA LEGISLATURE.

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

FIFTEENTH DAY.

GENERAL COMMENTS.

Day's bill for the modification of the exemption law has not yet been reported by the judiciary committee to which it was referred on its second reading. It will probably be reported to-morrow and a vote taken on its passage.

The bill to amend the charter of the city of Vermillion which passed the council this morning, reduces the election precincts from six to one. It is claimed that one polling place will answer the purpose as well as six, and save considerable expense.

Mr. Langness' local option bill being the special order in the house for eleven o'clock this forenoon, a large number of ladies and gentlemen were assembled upon the floor and in the gallery of the house by the time that hour arrived. Ladies were particularly numerous, their coming having been arranged yesterday afternoon at the instance of Mrs. Governor Howard, who takes a leading interest in all matters pertaining to temperance reform. They came as a sort of a moral force, to encourage by their presence the friends of the bill and assure them that the measure was one which encountered their heartiest sympathies. The opponents of the bill, being weak in numbers, but strong in parliamentary resorts, anticipated the hour of the special order by instituting filibustering movements which demoralized the forces arrayed in favor of the measure before the time for action came. These tactics were followed up and the house crowded into committee of the whole in spite of the intention of the majority to permit no delay in bringing about immediate final action.

In committee of the whole a couple of amendments were carried and the balance of the time was consumed in dilatory motions. The house was, finally, after two hours' struggle, brought to an almost unanimous adjournment without a call for the previous question or anything pertaining to final action. There is now a disposition among its advocates to throw the bill aside and substitute a measure which shall be prohibitory in its nature. Mr. Langness' bill, as it now stands, provides that on and after the general election in 1879 the question of granting licenses permitting the sale of liquor in any county shall be submitted to a vote of the electors of the county and as the majority decides so will the sale of liquor be permitted or not permitted. An effort was made in the committee of the whole to confine the operations of the proposed law to the counties of Minnehaha, Lincoln, Union and Clay, but it was voted down. An unsuccessful effort was also made to except the counties of Bon Homme and Richland from the measure. The bill will be brought to a test in the house to-morrow in its regular order, that of unfinished business.

THE COUNCIL.

Tuesday, Jan. 28.—The council met at ten o'clock a. m., and was called to order by the president.

Prayer by the chaplain.

Roll call showed all members present.

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

REPORTS OF COMMITTEES.

Mr. MacNider from the committee on enrollment, reported council bill number 8 correctly enrolled.

Mr. Ellis, from the committee on counties, reported back council bill number 31, to amend the charter of the city of Vermillion, and recommended its passage.

NOTICE OF BILLS.

By Mr. Day—To amend section 308 and 385 of the penal code.

By Mr. MacNider—To attach the counties of Walleto and Mountraile to the county of Burleigh for certain purposes.

INTRODUCTION OF BILLS.

By Mr. Roberts—A bill for an act amending section 665 of the code of criminal procedure; also a bill for an act relating to the rules of evidence in criminal proceedings.

By Mr. Cuppett—A bill for an act providing for the organization of civil townships and the government thereof.

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

By Mr. Pettigrew—A bill for an act to define the boundaries of certain counties of this territory.

FIRST READING OF BILLS.

Council bill No. 36—A bill for an act amending section 665 of the code of criminal procedure.

Council bill No. 37—A bill for an act relating to the rules of evidence in criminal proceedings.

Council bill No. 37—A bill for an act providing for the organization of townships and the government thereof.

Council bill No. 39—A bill for an act to repeal sections 43 and 44 of the penal code.

SECOND READING OF BILLS.

The following bills had their second reading and referred as follows:

Council bill No. 32, to the committee on counties.

Council bill No. 33, to the committee on judiciary.

Council bill No. 35, to the committee on judiciary.

THIRD READING AND PASSAGE OF BILLS.

Substitute for 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, and for the organization of a board of commissioners of insanity in each organized county of this territory, was read a third time at length, and Mr. Kuykendall

moved that the bill be committed to the committee of the whole and made a special order for Thursday, Jan. 30, at 11 o'clock a. m.

Mr. Edmunds urged the necessity of prompt action in this matter, and moved as an amendment that the bill be made the special order at 11 o'clock to-morrow, which motion was lost.

The motion of Mr. Kuykendall was then adopted.

Council bill No. 31—A bill for an act to amend the act incorporating the city of Vermillion. Passed.

HOUSE BILLS.

House file No. 9—A bill for an act to amend sections 8, 92 and 101 of the justice code, was read a second time, and referred to the judiciary committee.

SENT TO THE GOVERNOR.

Mr. Valentine, from the joint committee on enrollment, reported that he had yesterday presented to the governor for his action thereon joint resolution No. 1.

ADJOURNMENT.

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

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.

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

COMMITTEE REPORTS.

Mr. Gray, from the committee on enrollment reported a bill and a memorial as correctly enrolled.

Mr. Gamble, from the judiciary committee, reported back house file seven with a recommendation that it pass without amendments.

Mr. Gamble, from the committee on judiciary, reported back council bill seventeen with a recommendation that it pass without amendment.

Mr. Gamble, from the judiciary committee, reported back council bill nineteen with a recommendation that it pass without amendment.

Mr. Gamble, from the judiciary committee, reported back house file thirteen with a recommendation that it pass with certain amendments.

Mr. Brown, from the committee on counties and townships, reported back council bill one with a recommendation that it pass.

Mr. Brown, from the same committee, reported back council bill five and recommended its passage.

COUNCIL MESSAGE.

A message was received from the council giving notice of the passage of council bills 7 (substitute), 18, 25, 26 and 30 and house file 19.

NOTICE OF BILLS.

By Mr. Peterson—an act relating to the county seat of Union county.

By Mr. Whitfield—an act to provide for the compensation of witnesses attending court in Lawrence, Pennington and Custer counties.

INTRODUCTION OF BILLS.

By Mr. Whitfield—House file No. 20—For an act to amend section 38 of chapter 27 of the political code.

By Mr. Helvig—House file No. 21—To provide for a superintendent of weights and measures.

By Mr. Walton—House file No. 22—To amend section 36 of the justice code.

By Mr. Gunderson—House file No. 23—A memorial for an appropriation for the removal of obstructions from the Missouri river.

By Mr. Mauksch—House file No. 24—For an act providing for the payment of a revision commissioner.

By Mr. Fockler—House file No. 25—For an act to amend sections two and four of chapter sixty of the penal code.

By Mr. Fockler—House file No. 26—For an act regulating the time and manner of making fire guards.

REFERENCE ORDER.

The speaker announced the reference of house file nineteen to the committee on enrollment and engrossment.

COUNCIL BILLS.

Council bills number 7, 18, 25, 26, and 30 had their first reading.

Council bill 29 had its second reading, and was referred to the committee on territorial affairs, on motion of Mr. Gray.

Council bill fifteen passed to its third reading, and, on motion of Mr. Gamble, was laid on the table until to-morrow.

Council bill seventeen—For an act to repeal section 660 and article three of section 666 of the civil code, was put upon its third reading and passage, and was lost by a vote of nineteen to six.

Council bill nineteen had its third reading, and being put upon its final passage, was passed by a vote of seventeen to eight.

HOUSE BILLS.

House file eighteen, a memorial regarding the division of the territory, had its second reading, and was referred to the committee on judiciary, on motion of Mr. Gray.

House file thirteen, as amended by the judiciary committee, had its third reading, was placed upon its passage and passed by a vote of 24 to 2.

House file seventeen passed to its third reading and, on motion of Mr. Gamble, was indefinitely postponed.

House file one, was, on motion of Mr. Gamble, referred to the committee of the whole.

On motion of Mr. Flick, the amendments to house file seven, reported from judiciary committee, were agreed to.

On motion of Mr. Gamble, house file seven was referred to the committee on enrollment and engrossment.

THE SPECIAL ORDER.

The hour of eleven o'clock had been set

for the consideration of Mr. Langness' local option bill, house file number four.

At five minutes before eleven Mr. Whitfield moved a recess of ten minutes.

By a call of the ayes and noes the motion was lost, by a vote of six to twenty, Messrs. Brown, Burbank, Flick, Gray, Gunderson and Whitfield voting in the affirmative.

Mr. Gray moved that the house take a recess of five minutes.

Mr. Burbank raised a point of order that a motion for a recess could not follow a previous motion for a recess.

The speaker ruled that the point was well taken.

Mr. Gray appealed from the decision and stated his understanding of the rule.

The speaker asked Mr. Burbank to withdraw his point, but he declined upon the ground that he had been sustained.

The speaker then withdrew his ruling.

Mr. Gray renewed his motion for a recess. It was put and lost.

COMMITTEE OF THE WHOLE.

On motion of Mr. Gray, the house, at 11:15 a. m. went into committee of the whole on house file four, Mr. Gray in the chair.

In committee of the whole the time was largely consumed by dilatory motions and general filibustering tactics of the minority which opposed the bill. By this course the committee was held in session nearly an hour. It finally rose and reported back the bill with amendments changing the date of the first election under the proposed bill from 1880 to 1879, and prohibiting the sale of liquor in unorganized counties, and recommended its passage.

MORE FILIBUSTERING.

Mr. Burbank moved that the house adjourn. On call of ayes and noes the motion was lost.

Mr. Gray moved the adoption of the report of the committee of the whole.

Mr. Burbank moved as an amendment that the report lie on the table.

Mr. Gamble moved as an amendment to the amendment that the report lie on the table until to-morrow at ten o'clock.

These amendments were accepted by the mover and the ayes and noes called on the amended motion, when it was lost by a vote of 14 to 12.

Mr. Gray moved the adoption of the report of the committee of the whole.

Mr. Gamble addressed the house at length in opposition to the bill as it was framed.

About this time it was discovered that Mr. Gray had stepped out of the room and Mr. Burbank moved a call of the house.

While the call was progressing Mr. Gray returned.

The speaker called Mr. Gray to the chair and took the floor and read a twenty minute speech in favor of the bill.

Mr. Gamble followed in a fifteen minute speech in opposition to the bill.

ADJOURNMENT.

At fifteen minutes past one o'clock, Mr. Stephens moved that the house adjourn and the motion was adopted with but one dissenting voice and the house stood adjourned to ten o'clock a. m., January 29th.

CALENDAR OF BILLS.

IN COUNCIL.

ON FIRST READING.

Council bill No. 40, by Mr. Pettigrew—A bill for an act to define the boundaries of certain counties of this territory.

ON SECOND READING.

Council bill No. 34, by Mr. Pettigrew—A bill for an act to provide for the building and government of a territorial penitentiary.

Council bill No. 36, by Mr. Roberts—A bill for an act amending section 665 of the code of criminal procedure.

Council bill No. 37, by Mr. Roberts—A bill for an act relating to the rules of evidence in criminal cases.

Council bill No. 38, by Mr. Cuppett—A bill for an act providing for the organization of civil townships and the government thereof.

Council bill No. 39, by Mr. Day—A bill for an act to repeal sections 43 and 44 of the penal code.

IN HANDS OF COMMITTEES.

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—territorial affairs.

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. 27, by Mr. Edmunds—A bill for an act to amend section 14 of chapter 28 of the political code—judiciary.

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, 1873, as amended—finance and expenditures.

Council bill No. 32, by Mr. Roberts—A bill for an act locating the county seat of Grand Forks county—counties.

Council bill No. 33, by Mr. Kuykendall—A bill for an act amending section 1 of chapter 17 of the political code relating to notaries public—judiciary.

Council bill No. 35, by Mr. Miner—A bill for an act to amend an act creating a board of education for the city of Vermillion—education.

House file No. 6—A bill for an act to prevent fraudulent banking—judiciary.

House file No. 9, by Mr. Gray—A bill for an act concerning corporations and persons engaged in the business of banking—education.

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—judiciary.

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

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

SPECIAL ORDER.

Substitute for council bill No. 3, reported by a special committee—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—For Thursday, January 30, at 11 o'clock a. m.

IN HOUSE.

ON SECOND READING.

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.

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

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

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

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

H. F. No. 20, by Mr. Whitfield—For an act to amend section 38 of chapter 27 of the political code.

H. F. No. 21, by Mr. Helvig—For an act to provide for a superintendent of weights and measures.

H. F. No. 22, by Mr. Walton—For an act to amend section 56 of the justice code.

H. F. No. 23—By Mr. Gunderson—A memorial for an appropriation for the removal of obstructions from the Missouri river.

H. F. No. 24—By Mr. Mankach—For an act providing for the payment of a revision commissioner.

H. F. No. 25—By Mr. Fockler—For an act to amend sections two and four of chapter six of the penal code.

H. F. No. 26—By Mr. Fockler—For an act regulating the time and manner of making fire guards.

IN HANDS OF COMMITTEES.

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—territorial affairs.

H. F. No. 18—By Mr. Burbank—A memorial to congress praying for a division of the territory and protesting against the passage of the bill for the admission of the whole territory as a state—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.

—insurance, banks and banking.

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

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

H. F. No. 16—By Mr. Gray—To amend section 325 of chapter thirteen of the code of civil procedure—judiciary.

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—engrossment and enrollment.

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.

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. 13, by Mr. Pettigrew—A bill for an act to amend the penal code—committee of the whole.

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.

H. F. No. 18, by Mr. Burbank—Memorial to congress praying for a division of Dakota territory, and protesting against the passage of the bill for the admission of the whole territory as a state—judiciary.

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

House file No. 1—By Mr. Weeks—For an act amending the law relating to the time when taxes become delinquent—committee of the whole.

ON THIRD READING.

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.

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. 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.

ON THE SPEAKER'S TABLE.

Council bill 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.