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Number 242

DAKOTA LEGISLATURE.

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

TWENTY-FOURTH DAY.

GENERAL COMMENTS.

The reprimand given to Mr. Flick in the house this morning, by the speaker, was a surprise to that gentleman. He says he had all along treated the matter as a part of the fun which legislative bodies at times indulge in and his first intimation that such was not the case was his arraignment before the bar of the house. His explanation of yesterday's absence is that he had business to transact, and stayed away to attend to it, without thinking that he was committing a breach of legislative etiquette. This is the substance of Mr. Flick's explanation in reply to the reporter's enquiries.

Mr. Brown's long looked for bill for the consolidation of Jim river counties was introduced this morning. It made a big bundle, and we have not gone through its various sections in detail. The bill provides for the consolidation of Hutchinson, and Armstrong counties, Hanson and Davison counties and Bramble and Minner counties, the names of Armstrong, Davison and Bramble to be dropped. But the measure does not stop here. Having provided for making three large counties of six small ones, it wanders off into the adjoining country on all sides and completely transforms the appearance of the map from Bon Homme county on the south to Mills county on the north and from Hyde and Buffalo counties on the west to Brookings, Moody and Minnehaha counties on the east. Names are abolished and changed and boundary lines are obliterated and laid down in new places. Altogether it is a wonderful measure and though it may contain inscrutable benefits, none are apparent on its face. The thing which the reader is first induced to enquire is "what is all this for?" And no man has yet been able to answer.

Mr. Gray's railroad bill was finished up in committee of the whole this forenoon, and this afternoon came to a vote and a triumphant passage, going through by a larger majority than was expected yesterday. With the amendments attached the bill will make a good railroad law. It will encourage the building of roads into the territory and will protect the people as carefully as any law yet framed. Mr. Gray has labored hard to secure its passage and his efforts have been ably seconded by Gamble, Burbank, Jackson and others.

The house to-day passed the council bill appropriating \$2,386.30 to reimburse Governor Howard for money expended by him in the construction of an insane asylum. The bill now goes to the governor for his signature and it is not expected he will veto it.

The action of the council this morning in postponing until next Wednesday the bill creating a new school law for the territory, may be construed as an indication that the council is opposed to any further legislation upon that subject.

A petition forwarded to the legislature to-day, through the governor, from the people of Grand Forks county, represents a deplorable condition of affairs in that county, arising from the prevalence of small pox. The petition represents that the county has spent all its public funds, and some \$2,000 in private funds, and asks for an appropriation of \$1,000 from the territorial treasury. It should be granted, and without any delay.

THE COUNCIL.

Thursday, Feb. 6.—The council met pursuant to adjournment, and was called to order by the president.

Prayer by Chaplain Potter.

Roll called; members all present.

Minutes of yesterday's meeting read and approved.

REPORTS OF COMMITTEES.

Mr. MacNider reported council bills 22, 29, 30, 32, 34 and 35 properly enrolled and engrossed.

Mr. Cuppet, from the committee on immigration, to which was referred that part of the governor's message relating to immigration, reported that the committee had given the subject due consideration and reported the same back to the council without recommendation.

INTRODUCTION OF BILLS.

By Mr. Miner—A bill for an act to provide for the instruction and education of the deaf and dumb.

By Mr. Valentine—A bill for an act to repeal section 39 of the code of civil procedure relating to mill dams and mills.

SECOND READING OF BILLS.

Council bill No. 56—A bill for an act creating a school law for the territory of Dakota, was read a second time, and on motion of Mr. Pettigrew was made a special order in committee of the whole on Wednesday, Feb. 12, at 11 a. m.

Council bill No. 59—A bill for an act to amend the act incorporating the city of Fargo, was read a second time and referred to the judiciary committee.

THIRD READING OF BILLS.

Council bill No. 34—A bill for an act to provide for the building and government of a territorial penitentiary, was read a third time and passed, ayes 10, noes 3.

House file No. 8, to amend section 336 of the code of civil procedure. Passed.

House file No. 9, to amend sections 8, and 92 of the justice code came up for its final passage.

Mr. Cuppet moved that it be indefinitely postponed, which motion was lost, and the bill then passed.

House file No. 13, of the political code, fixing the fees of county treasurers, was read a third time, and on a motion of Mr.

Roberts was made a special order in committee of the whole at 11 o'clock a. m. February 7.

House file No. 27, authorizing school districts No. 1 in Richland county to issue bonds, was recommitted to the committee on education.

House file No. 37, a memorial for an increase of mail service between Canton and Milltown. Passed.

RECONSIDERED.

On motion of Mr. Roberts the vote by which house file No. 13 was made a special order at 11 o'clock to-morrow was reconsidered, and on motion of the same gentleman the council went into

COMMITTEE OF THE WHOLE

on house file 13, Mr. Rohr in the chair.

After considering the bill the committee rose, recommending its passage as amended by the committee. The report was adopted and the bill referred to the committee on enrollment.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body of council bill No. 2, increasing the number of justices of the peace and constables in the counties west of the Missouri river, with amendments; also, the passage of house files Nos. 34 and 40.

ADJOURNMENT.

On motion of Mr. Miner the council adjourned.

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 members in their seats.

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

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills No. 28, 46 and 44.

Also the passage by the council of house files number 41 and 5 and the refusal of the council to pass house file No. 4.

MR. FLICK'S CASE.

Mr. Flick rose to a question of privilege. He had understood that on yesterday he was considered in contempt of the house and asked that the matter be disposed of.

Mr. Stephens moved that Mr. Flick be brought before the bar of the house and there reprimanded. So ordered.

Mr. Flick was conducted before the speaker's desk by the sergeant at arms and Speaker Jackson gave him a five minutes lecture full of regret over the necessity for its delivery and of good advice to the member from Pennington county. Mr. Flick took the lesson with folded arms and bowed head and seemed to think that perhaps he had earned it. The reprimand relieved the indignation which was yesterday so rampant and Mr. Flick was once more restored to the confidence and affections of his fellow members.

SEVERAL PETITIONS.

The speaker presented a petition from the people of Davison county protesting against the proposed consolidation of Davison and Hanson counties and praying that no such legislation take place.

Mr. Langness presented a petition praying that the contemplated consolidation of school districts number 25 and 1 of Minnehaha county may not take place.

Mr. Langness presented a petition from 125 residents of Minnehaha county asking for the passage of a law compelling wheat buyers to use the standard half-bushel, instead of the brass measure, and to authorize counties to appoint inspectors of wheat.

On motion of Mr. Langness, the last petition was referred to the committee on territorial affairs.

COMMITTEE REPORTS.

Mr. Weeks moved that house file 33 be referred to a special committee consisting of the Clay county delegation. So ordered.

Mr. Whitfield, from the special committee to whom was referred council bill 37, reported the same back, without amendment, and recommended its passage.

Mr. Gray, from the special committee to whom was referred council bill 43, reported the same back, without amendment, and recommended its passage.

Mr. Fockler, from the committee to whom was referred house file 39, reported the same back and recommended its passage.

Mr. Burbank, from the committee to whom was referred council bill 54, reported the same back with a recommendation that it pass.

NOTICE OF BILLS.

By Mr. Gamble—For an act to attach certain lands to the school district comprised within the city of Yankton.

INTRODUCTION OF BILLS.

H. F. No. 53—By Mr. Brown—For an act to define the boundaries of certain counties and consolidate others, and for other purposes.

COUNCIL MESSAGE.

A message from the house was received from the council announcing the passage of council bill 34, the Sioux Falls penitentiary bill, and asking the concurrence of the house therein.

BILLS SIGNED.

The speaker announced that he had in open session signed council bills number 31, 25, 5, 1, 17, 32, 29, 35, 30 and 20.

COUNCIL AMENDMENT.

The message from the council announcing the passage of house file five with an amendment excepting certain counties from its provisions was taken up. The bill authorizes the employment of short hand reporters in the courts of Dakota.

On motion of Mr. Gamble the bill and amendment were laid upon the table until to-morrow.

COUNCIL BILLS.

Council bill 28, under a suspension of the rules, passed to its second reading and was referred to a special committee consisting

of the Yankton county delegator, on motion of Mr. Gamble.

Council bills 34, 40 and 44 had their first reading.

The following council bills had their second reading and were referred as indicated:

Council bill 41—Committee on highways, roads and bridges, on motion of Mr. Stephens.

C. B. 43—special committee of Minnehaha county delegation, on motion of Mr. Burbank.

C. B. 43—special committee consisting of Messrs. Burbank, Whitfield, Trygstad, Gunderson and Stewart.

The following council bills, reported back from their committee, had their reading and were passed by a unanimous vote of the house.

Council bills number 48, 43 and 54.

HOUSE BILLS.

House file No. 27, permitting Richland county to fund its outstanding indebtedness, had its several readings, under suspension of rules, and was passed by unanimous vote.

The following house bills had their second reading and were referred as indicated:

H. F. No. 43—judiciary committee, on motion of Mr. Gamble.

H. F. No. 48—judiciary committee, on motion of Mr. Burbank.

H. F. No. 49—judiciary committee, on motion of Mr. Gray.

H. F. No. 52—territorial affairs, on motion of Mr. Peterson.

COMMITTEE OF THE WHOLE.

at half past eleven o'clock, the house, on motion of Mr. Burbank, went into committee of the whole on house file 3—the railroad bill—Mr. Fockler in the chair.

THE COMMITTEE ROSE

At 12:25 p. m. and reported the bill back to the house with sundry amendments, and recommended its passage.

The report of the committee was adopted.

RECESS.

On motion of Mr. Gray, the house, at 12:30 p. m., took a recess till 2:30 p. m.

AFTER RECESS.

Mr. Burbank introduced a resolution in regard to council bill 40, which was adopted.

Mr. Gamble moved that the rules be suspended and house file three, the railroad bill, put upon its third reading and passage. So ordered.

The ayes and noes being called the bill was passed by a vote of 20 ayes and 6 noes, Messrs. Gunderson, Helvig, Hoyt, Peterson, Webber and Weeks voting in the negative and all the other members in the affirmative.

Mr. Gray moved that the vote by which the bill was passed be reconsidered and the motion to reconsider laid upon the table. So ordered.

ADJOURNMENT.

On motion of Mr. Gray, the house, at 2:40 p. m., adjourned to ten a. m. Feb. 7th.

CALENDAR OF BILLS.

IN COUNCIL.

ON SECOND READING.

Council bill No. 58, by Mr. Kuykendall—A bill for an act appointing a firewarder for the town of Deadwood and for other purposes.

Council bill No. 60, by Mr. Kuykendall—A bill for an act relating to settlers upon the public lands.

Council bill No. 61, by Mr. Miner—A bill for an act providing for the instruction and education of the deaf and dumb.

Council bill No. 62, by Mr. Valentine—A bill for an act to repeal section 39 of the code of civil procedure relating to mill dams and mills.

IN HANDS OF COMMITTEES.

Council bill No. 57, by Mr. Rohr—Relating to terms of court in Union county—judiciary.

H. F. No. 18—By Mr. Stewart—For an act to amend section 15, chapter 39, of the revised code, relating to the compensation of public officers—education.

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

Council bill No. 53, by Mr. Wynn—A bill for an act providing compensation for the clerk of the district courts of the several judicial districts of this territory—territorial affairs.

House file No. 12, by Mr. Flick—A bill for an act relating to fences and enclosures—territorial affairs.

Council bill No. 50—By Mr. Cuppett—A bill for an act authorizing the counties of Lincoln, Turner, Moody, Minnehaha, Grand Forks, Trull and Pembina in Dakota territory, and organized townships, towns and cities therein to issue bonds to aid in the construction of railroads in said townships, towns and cities—railroads.

Council bill No. 59, by Mr. Roberts—A bill for an act to amend the act incorporating the city of Fargo—judiciary.

House file No. 27—A bill for an act authorizing school district No. 1 in Richland county to issue bonds—education.

Council bill No. 46—By Mr. Cuppett—A bill for an act to amend chapter 28 of the political code, entitled "revenue," passed at the 12th session of the legislative assembly.—territorial affairs.

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

H. F. No. 18—A bill for an act to amend section 15 of chapter 13 entitled compensation of public officers, of the political code of the territory of Dakota—enrollment.

SPECIAL ORDER.

Council bill No. 56, by Mr. Wynn—A bill for an act creating a school law for the territory of Dakota—in committee of the whole, Wednesday Feb. 12, at 11 a. m.

IN HOUSE.

ON SECOND READING.

H. F. No. 50—By Mr. Gray—To authorize Burleigh county to issue bonds to build a court house.

H. F. No. 51—By Mr. Langness—For an act to regulate the sale of intoxicating liquors.

H. F. No. 51—By Mr. Simonson—For an act to amend section 52 of chapter 38 of the political code.

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

Council bill No. 44—By Mr. Day—A bill for an act to amend sections 308 and 385 of the penal code.

IN HANDS OF COMMITTEES.

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

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

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—charitable and penal institutions.

H. F. No. 44—By Mr. Flick—For an act to amend section 324 of the code of civil procedure—territorial affairs.

H. F. No. 45—By Mr. Walton—Substitute for H. F. No. 36—For an act to amend sections 1098 and 1100 of chapter three of the political code—ways and means.

H. F. No. 46—By Mr. Flick—For an act to amend section 332 of the code of civil procedure—ways and means.

H. F. 29—By Mr. Stewart—For an act to amend section 43 of chapter 4 of the penal code—judiciary.

H. F. 30—By Mr. Peterson—For an act relation to the county seat of Union county—counties and townships.

H. F. 31—By Mr. Gunderson—For an act for the relief of J. Simonson, late judge of probate and ex officio county treasurer of the county of Clay, in the territory of Dakota—special, Clay county members.

H. F. 32—By Mr. Weeks—For an act to provide for the erection of a jail and other public buildings for the county of Clay—counties and townships.

H. F. 33—By Mr. Gamble—For an act to amend chapter 3 of the civil code, and for other purposes—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. 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.

Council bill No. 6—A bill to amend section 1,748 of the civil code referring to the renewal of chattel mortgages—education.

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.

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

H. F. No. 35—By Mr. Gamble for an act to amend section 26 of the code of civil procedure—judiciary.

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

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

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

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

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—judiciary.

Council bill No. 41—By Mr. Kuykendall—A bill for an act to establish a territorial wagon road from the northeast corner of the Yankton reservation to Brule City in Brule county—highways, roads and bridges.

Council bill No. 42—By Mr. Rohr—A bill for an act to fund the indebtedness of Union county—Union county members.

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

Council bill No. 52—By Mr. Pettigrew—A bill for an act to establish a board of education for the town of Sioux Falls Minnehaha county members.

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—Yankton county delegation.

House file No. 40—by Mr. Whitfield—For an act to amend chapter 39 of the political code—judiciary.